

**Attached is an Add-on  
Agenda Item  
for the  
Meeting of Tuesday, August 26, 2003**

Request to Consider the Flooding/Public Health Crisis in the Killearn  
Lakes Neighborhood and other Water Quality and Flooding Issues

**This item will be taken up under the Chairman's time on the agenda.**

**This document distributed: August 21, 2003 5:00 PM**

## **Board of County Commissioners**

### **Agenda Request**

Date of Meeting: August 26, 2003  
Date Submitted: August 20, 2003  
To: Honorable Members of the Board  
From: Commissioner Tony Grippa, Chairman  
Subject: Request to Consider the Flooding/Public Health Crisis in the Killearn Lakes Neighborhood and other Water Quality and Flooding Issues

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#### **Statement of Issue:**

This item requests Board consideration of the flooding/public health crisis that is occurring in the Killearn Lakes area. I bring this item before the Board because a real public health crisis exists in the Killearn Lakes neighborhood. Recent heavy rainfall has caused septic tank failures, standing water contaminated with human waste, and the flooding of homes. This agenda item provides real options available to this Board to address this most serious of issues facing our citizens.

#### **Background:**

The following is presented as a reminder to the Board of County Commissioners of the options available to this Board to address this issue and others like it throughout the County.

The Sales Tax extension was approved by voters in November 2000, with the majority of funds (80%) directed to the Blueprint 2000 program implementation. The Board of County Commissioners joined with the Tallahassee City Commission to serve as the Intergovernmental Agency (IA) providing policy direction for the implementation of the Blueprint 2000 projects, based on the amended Interlocal Agreement executed on February 1, 2003.

The Interlocal Agreement provides specific direction regarding the administration of the sales tax extension revenue. Section 8.d. of the agreement states that funding for a Water Quality Program, for stormwater and water quality retrofit projects, will be split 50/50 between the City and the County, with specific reservations of \$10 million for the City Frenchtown projects and \$5 million for County retrofit projects (Attachment #1). The County Attorney's opinion is that the respective jurisdictions may adopt stormwater and water quality retrofit projects for funding, so long as those projects meet the intent of the Water Quality Program (Attachment #2). Further, nothing in the ballot language or anything presented to the public regarding the sales tax extension excluded the use of the sales tax extension proceeds for flooding projects. Quite the contrary, the ballot language specifically included "to reduce stormwater problems and flooding". Furthermore, I believe there was a complete expectation by our citizens who voted for the sales tax extension that flooding would be addressed in a meaningful way.

The Water Quality Program funding was discussed by the IA as Item 7 at the September 17, 2001 meeting in order to provide direction to staff regarding project development (Attachment #3). At that time, staff was directed to obtain an independent consultant to review City and County projects for consistency with the Blueprint 2000 philosophy. At the November 20, 2001 meeting, the proposed County Capital Project List was adopted by the Board, ratifying the October 31 workshop on County-wide Flooding Issues (Attachment #4). The IA hired Environmental Research and Development (ERD) to review the Project List for consistency with Blueprint 2000 standards. The Evaluation Criteria implemented by ERD is contained in attachment # 5.

In the May 30, 2002 letter to Mr. Jim Davis, ERD presented its initial review of water resources projects provided by Leon County (Attachment #5). Based on this review, the 23 submitted County projects were divided into three categories: 1) Projects which meet Blueprint 2000 Criteria 1 - 7 based on submitted information, 2) Projects which may meet Criteria 1 - 7 pending project modifications or the submission of additional documentation, and 3) Projects which do not appear to meet Criteria 1 - 7.

During the regular June 11, 2002 County Commission meeting, the Board considered an agenda item entitled "Review of County Blueprint 2000 Stormwater Quality Enhancement Projects for Funding" (Attachment #6). After review and discussion on the issues presented in this item, the Board unanimously voted to "consider the ERD report and direct that the \$50 million "Blueprint 2000 Water Quality Program" funding be divided 50/50 in accordance with the Interlocal Agreement; with County projects to be funded with the County's share determined by a vote of the Board of County Commissioners at a regular meeting, and City projects to be funded with the City share determined by a vote of the City Commission meeting. This option would allow the Board to consider the recommendations of the consultant, ERD, on projects that meet the criteria set by the IA as well as approve projects that the Board deems appropriate".

The following week, the IA held a meeting and considered an item for the "Approval of Consultant Recommendations for Water Quality Program Funding." During this meeting, I made a motion to ratify the Board action taken at the June 11, 2002 meeting. This motion would have allowed the County to determine the projects that would be funded by the County's share of the Blueprint 2000 Water Quality Program funding, and the City projects to be funded would be determined by a vote of the City Commission.

During this June 17, 2002 IA meeting vote, two County Commissioners originally supportive of the above stated direction at the June 11, 2002 Board meeting, changed their vote and subsequently, this motion failed. As a result, the process by which water quality projects are approved first must meet ERD's criteria, then must be approved by the Blueprint 2000 Technical Coordinating Committee (TCC), and the Citizen Advisory Committee (CAC).

**Analysis:**

The County has \$25 million in Blueprint 2000 funding to use as Water Quality Program funding. Of this amount, \$5 million is set aside to be spent on County retrofit projects. On April 29, 2003, the Board reviewed and approved the list for retrofit projects, thereby dedicating the use of this \$5 million in retrofit funding (Attachment #6).

As previously stated, the remaining \$20 million in Blueprint 2000 funding for a Water Quality Program was discussed at the June 11, 2002 Board meeting, and the June 17, 2002 IA meeting. Three projects (Lexington Pond, Rhoden Cove Pond and Okeeheepkee Basin Regional Pond) as recommended by the consultant, ERD, were approved for funding. Further direction was given to County staff to develop the additional information needed to fully evaluate the eight additional projects that the consultant has deemed feasible but could not recommend due to insufficient information. Staff has begun developing data for these projects to meet ERD's criteria.

**Issues and Recommended Actions:**

On June 24, 2003, the Board considered an item entitled "Acceptance of Blueprint 2000 Stormwater Projects and Status Report" (Attachment #6). This item presented a status report on Blueprint 2000 Stormwater Projects. After much discussion, the Board voted to accept the Blueprint 2000 Stormwater Projects Status Report, ratified project lists (including the retrofit "b" list and capital projects under review) and requested that the contingency fund be decreased so that more of the funding was available for projects.

**Issue 1:**

The \$5 million set aside funding should be used for flooding projects as determined by the Board of County Commissioners.

**Recommended Action:**

The Board should reconsider the vote of June 24, 2003 and direct staff to bring back to the Board an agenda item which re-prioritizes the retrofit list to address "flooding problems" in the allocation of the \$5 million set aside funding.

**Issue 2:**

It is the County's inability to respond to crisis situations, such as the one that exists in the Killearn Lakes Neighborhood, that compels this request to reconsider the vote taken at the June 17, 2002 IA meeting that essentially removed the Board of County Commissioners from the decision making process of how to spend the remaining \$20 million in Blueprint 2000 Water Quality Program funding. The Board needs the ability to allocate Blueprint 2000 Water Quality funding to needed

and emergency projects such as the sewerage of the Killearn Lakes neighborhood, and the vote taken at the June 17, 2002 IA meeting removed the Board from the process.

**Recommended Action:**

Reconsider the vote that was taken at the IA meeting of June 17, 2002 that removed the Board of County Commissioners from the decision making process of how to spend the remaining \$20 million in Blueprint 2000 Water Quality Program funding and direct staff to agenda reconsideration of this issue at the September 9, 2003 IA meeting.

**Issue 3:**

The Killearn Lakes neighborhood has experienced septic tank failures as a result of recent rainfall. In essence, the drainfield is saturated with rain water and can no longer accept septic drainage. These failures have caused standing water contaminated with human waste to intrude the neighborhood. In addition, the very high water tables in this area are causing increased flooding problems. The situation at Killearn Lakes is a very serious water quality and public health issue which requires immediate attention.

**Recommended Action:**

Direct staff to immediately present the Killearn Lakes central sewer project to the ERD with supporting data for consideration of Blueprint 2000 Water Quality Program funding. Direct staff to also bring back an item to the Board that explores a 1/3-1/3-1/3 cost share (between Leon County, the Killearn Lakes Homeowners Association, and Talquin Electric) for the installation of the central sewer in Killearn Lakes.

**Issue 4:**

At the January 28, 2003 regular meeting, the Board discussed the flooding issues being faced by the Weimar family. At this meeting, staff brought an analysis to the Board regarding this property which included several options for consideration (Attachment #7). At this meeting the Board voted unanimously to 1) direct staff to look at how to protect the Circle J neighborhood from flooding and the cost; 2) direct the County Attorney's office to assist the Weimar's in moving in the right direction for other relief; and, 3) for staff to look for funding through grant monies.

**Recommended Action:**

Direct staff to bring back a status report to the Board on the progress of this issue.

Agenda Request: Request to Consider the Flooding/Public Health Crisis in the Killearn Lakes  
Neighborhood and other Water Quality and Flooding Issues

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**Options:**

1. Reconsider the vote of June 24, 2003 and direct staff to bring back to the Board an agenda item which re-prioritizes the retrofit list to address "flooding problems" in the allocation of the \$5 million set aside funding.
2. Reconsider the vote that was taken at the IA meeting of June 17, 2002 that removed the Board of County Commissioners from the decision making process of how to spend the remaining \$20 million in Blueprint 2000 Water Quality Program funding and direct staff to agenda reconsideration of this issue at the September 9, 2003 IA meeting.
3. Direct staff to immediately present the Killearn Lakes central sewer project to the ERD with supporting data for consideration of Blueprint 2000 Water Quality Program funding. Direct staff to also bring back an item to the Board that explores a 1/3-1/3-1/3' cost share (between Leon County, the Killearn Lakes Homeowners Association, and Talquin Electric) for the installation of the central sewer in Killearn Lakes.
4. Bring back a status report to the Board on the progress of the Weimar Property issue.
5. Board Direction

**Recommendation:**

Options 1, 2, 3 and 4.

**Attachments:**

1. Excerpt from Amended Interlocal Agreement
2. June 3, 2002 Memo from County Attorney
3. September 17, 2001 IA Meeting Minutes
4. November 11, 2001 Board Agenda item
5. ERD Criteria List
6. June 11, 2002 Board Agenda Item
7. June 24, 2003 Board Agenda Item
8. January 28, 2003 Board Agenda Item

AMENDED AND RESTATED  
INTERLOCAL AGREEMENT  
BLUEPRINT 2000 INTERGOVERNMENTAL AGENCY

between  
LEON COUNTY, FLORIDA  
("County")  
and  
CITY OF TALLAHASSEE, FLORIDA  
("City")

20030026884  
THIS DOCUMENT HAS BEEN RECORDED  
IN THE PUBLIC RECORDS OF  
LEON COUNTY FL  
BK: 2831 PG:1769, Page1 of 42  
03/19/2003 at 02:06 PM,  
BOB INZER, CLERK OF COURTS

DATED as of February 1, 2003

- 1 - Chairman of the Economic Development Council or designee thereof
- 1 - Representative appointed by the Capital City Chamber of Commerce
- 1 - Chairman of the Planning Commission or designee thereof
- 1 - Representative from Council of Neighborhood Associations
- 1 - Representative from the Big Bend Environmental Forum

Responsibilities of the Citizen Advisory Committee shall be to review work plans, financial audits and performance audits and make recommendations to the Blueprint 2000 Intergovernmental Agency.

SECTION 6. ACCOUNTING SYSTEM.

The Blueprint 2000 Intergovernmental Agency may designate either the City or the County as the entity for maintaining the accounting system for the Agency. The City and the County will each be provided the same level of access to all information pertaining to the Agency.

SECTION 7. PROJECT RESTRICTIONS.

Permissible Dedicated Sales Surtax projects are restricted to the following categories:

- A. Stormwater and Water Quality
- B. Transportation Improvements
- C. Greenways and Parks and Recreation

SECTION 8. PROJECTS.

The proceeds of the Dedicated Sales Surtax which are dedicated to Blueprint 2000 Projects shall be used for the purpose of funding Blueprint 2000 Projects as approved by the County and City Commissions on July 10, 2000, as follows (a -i represent first priority, j -w represent second priority):

- a. Map 2A: Widening of Capital Circle NW from I-10 to Blountstown Hwy; (includes six lanes from I-10 to Tennessee Street without service roads, four lanes from Tennessee Street to Blountstown Hwy., and two interchanges); Water



resource protection through greenway linkages, floodplain acquisition, protection and restoration of Gum Swamp system.

b. Map 4: Widening of Capital Circle SE from Crawfordville Hwy. to St. Augustine Road; (Includes portion of Tram Road ROW for future transit; acquisition of environmentally sensitive areas and greenway connection between St. Marks Trail and Southwood; deletes proposed interchanges at Apalachee Parkway and Crawfordville Road).

c. Map 3: Franklin Boulevard improvements, roundabout at Franklin/Meridian/Gaines intersection; Reconstruction of Cascades Park with series of lakes for stormwater retrofit of urban area; Reconstruction of St. Augustine Branch as urban waterway with series of lakes for stormwater treatment; acquisition of land for phase II stormwater improvements along the central drainage ditch, greenways throughout the system and trailhead development.

d. Water Quality Program - Funding for stormwater and water quality retrofit to be split 50/50 between City and County (includes \$10 million for retrofit and drainage improvements in Frenchtown watershed and \$5 million for various County retrofit projects in the urban area previously identified as high priority).

e. Map 7: Phase I-Eastern Leon County groundwater and floodplain protection.

f. Map 6: Lafayette Basin floodplain/greenway land acquisition for future stormwater improvements and greenway connection from Lafayette Heritage Trail to Miccosukee greenway.

g. Map 2B: Widening of Capital Circle SW from Blountstown Hwy. to Springhill Road; includes (Option 1-Realignment; includes ROW, construction, and stormwater for roadway improvements only, and land acquisition for future greenway).

h. Map 2C: Widening of Capital Circle SW from Springhill Road to

# BOARD OF COUNTY COMMISSIONERS

## INTER-OFFICE MEMORANDUM

To: James H. Davis  
Staff Director - Blueprint 2000

From: Herbert W.A. Thiele  
County Attorney

Date: June 3, 2002

Subject: Request for Legal Opinions on Stormwater Quality Enhancement Program and Springhill Road enhancement

*Hand Delivered*

*Dane J. R. for*

This memorandum responds to your letter dated May 28, 2002, wherein you requested a legal opinion on various questions that have arisen concerning the interpretation of the Blueprint 2000 program summaries. With regard to the issues involving the funding set aside for the Stormwater Quality Enhancement Program and Regional Ponds, you have asked for answers to specific questions, as follows:

1. Are these funds primarily intended for water quality and only as a secondary and ancillary use for flood control?
2. Can these funds be used for flood control without the primary intent being water quality?
3. If the answer to Question 2 is "yes," then is a supermajority vote and two public meetings are required to amend the text to allow these funds to be used for flooding projects?
4. Is there is legal exposure for the City and the County if the identified funds are used for flood control? Is there any legal exposure if they are not used for water quality issues as prescribed by the Blueprint 2000 Program Summary, Stormwater Quality Enhancement Program, and Regional Ponds?

In addition, you have asked for an opinion on whether or not a supermajority vote and two public meetings would be required before implementing the Springhill Road enhancement as a Tier I (One) project to be completed in conjunction with the Capitol Circle Southwest improvement project.

### **Flooding Prevention in the Stormwater Quality Enhancement Program**

In order to answer your specific questions regarding the applicability of flooding prevention projects in the Stormwater Quality Enhancement Program and Regional Ponds, I have reviewed the following:

- the Interlocal Agreement between Leon County and the City of Tallahassee which creates the Blueprint 2000 Intergovernmental Agency and establishes the uses of the proceeds generated by the sales tax levy; and
- the Project Definitions Report which outlines the Blueprint 2000 program and specifically addresses funding for use in the Stormwater Quality Enhancement Program and Regional Ponds (the Program).

#### **Question 1**

Your first question asks if these funds are primarily intended for water quality while considering flood prevention and control as only a secondary and ancillary objective. Unfortunately, this question does not have a definitive answer because of the generalized nature of the Blueprint 2000 Program Summary of the Stormwater Quality Enhancement Program and Regional Ponds (the Program Summary).

The Program Summary begins by stating in the first paragraph the importance of additional retrofit facilities to prevent flooding and treat runoff, as follows:

While some retrofit facilities are specifically identified in the Recommended Projects Section, others are needed to prevent flooding and treat runoff from past development. This summary documents the necessity to reserve funding for stormwater retrofit projects. Though specific details of additional structural facilities are not yet defined, all agree that more retrofit is needed, and therefore, financial allowances must be made.

It is not until the second paragraph that the objective of the Program is stated, as follows:

The objective will be obtaining quantifiable data on the location and relative magnitude of pollution problems, the sensitivity of receiving waterbodies, techniques for mitigation, and costs of implementation.

James H. Davis, Staff Director  
June 3, 2002  
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In addition, the Cost Estimate section of the Program Summary states that a fundamental element of the Program is the Water Quality Enhancement Capital Improvement Plan (WQE/CIP) which defines the projects based on an analysis of pollutant loading, sensitivity of the receiving waterbodies, pollutant removal effectiveness, and facility costs. A plain reading of the Program Summary, therefore, apparently indicates that the goals of the Program are both to prevent flooding and enhance the water quality. In answer to your first question, however, the Program Summary is not sufficiently clear on whether the flooding prevention projects are intended as a primary or secondary objective. Because of the generalized nature of the Program Summary, a flooding prevention project funded by the Program would, therefore, be consistent with the Program as outlined by the Program Summary in the Blueprint 2000 Project Definitions Report.

### Question 2

I assume that the intent of your second question is to determine if the Program funds can be used for flood prevention and control if, in fact, those types of projects are not the primary objective of the Program. I believe the answer depends not on whether the flooding project is a primary or secondary objective, but rather on whether it is consistent with the overall intent of the Program. If the flood prevention project is determined to be not consistent with the Program, then it may not be funded by the Program. On the other hand, if the flooding project meets the objectives and intent of the Program, then there is no reason it could not be funded by the Program.

As I explained in my answer to your first question, a flooding prevention project funded by the Program would be consistent with the Program, as outlined by the Program Summary in the Blueprint 2000 Project Definitions Report. As such, the funds from the Program could be used for a flooding prevention project.

### Question 3

With the answer to your second question being yes, you follow with your third question of whether a supermajority vote and two public meetings would be required to amend the text to allow these funds to be used for flooding projects. For the purposes of this question, I have assumed that the text referred to in your question is contained in the Program Summary and the Interlocal Agreement.

The Interlocal Agreement lists the Water Quality Program, in paragraph 10(d), as one of the projects approved for "first priority" funding in the amount of \$57,100,000 to be split 50/50 by the County and the City. The Interlocal Agreement describes the project as follows:

Water Quality Program - Funding for stormwater and water quality retrofit to be split 50/50 between City and County (includes \$10

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million for retrofit and drainage improvements in Frenchtown watershed and \$5 million for various County retrofit projects in the urban area previously identified as high priority).

Paragraph 11 of the Interlocal Agreement provides that the projects listed in paragraph 10 can be significantly amended, deleted, or added to only as follows:

- if unforeseen conditions require such a change; and
- the change is approved by a supermajority vote after taking into consideration the recommendations of the Citizens' Advisory Committee, the Technical Coordinating Committee, and the Intergovernmental Management Committee; and
- such a vote is not taken until after two noticed public meetings.

The Interlocal Agreement makes no other references to a requirement of a supermajority vote and two public meetings. That requirement, therefore, only applies to the Water Quality Program if a significant amendment, deletion, or addition is made to the Water Quality Program as defined in paragraph 10(d) of the Interlocal Agreement. In answer to your question, however, it appears from a plain reading of the Water Quality Program as defined in paragraph 10(d) of the Interlocal Agreement and the further description of the Program as found in the Program Summary, that funds may be utilized consistent therewith (for stormwater and water quality retrofit) without the necessity of a supermajority vote and two public meetings.

#### Question 4

In question four, you have asked if there is any legal exposure for the City and the County if the funds are used for flood control and if they are not used for water quality as prescribed in the Program Summary. There is always legal exposure from a taxpayer who is unhappy with the acts taken by the City and the County. In fact, the Citizens' Advisory Committee has already given its opinion that flooding prevention is not the primary objective of the Program.

In answer to your question I will reiterate my answers from above: a project funded by the Program and intended to prevent and control flooding would be consistent with the Program, as outlined by the Program Summary in the Blueprint 2000 Project Definitions Report.

James H. Davis, Staff Director  
June 3, 2002  
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### **Priority of Springhill Road Enhancement**

You have also asked for an opinion on whether the Springhill Road enhancement project, currently listed as a second priority project, could be included in the Capitol Circle Southwest project as a first priority project without a supermajority vote and two public meetings. In order to answer this question, we will need to consult further with staff regarding the enhancement project. An answer to your question will, therefore, be provided in a separate memo as soon as possible.

If you have any further questions regarding these issues, please do not hesitate to give me a call.

cc: Anita Favors, City Manager  
James R. English, City Attorney  
Parvez Alam, County Administrator

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**TALLAHASSEE-LEON COUNTY BLUEPRINT 2000 INTERGOVERNMENTAL  
AGENCY MINUTES**

**September 17, 2001  
Commission Chambers, City Hall**

**MEMBERS PRESENT:**

**City**

Commissioner John Paul Bailey  
Commissioner Charles Billings  
Commissioner Debbie Lightsey  
Mayor Scott Maddox  
Commissioner Steve Meisburg

**County**

Commissioner Ed DePuy  
Commissioner Bill Proctor  
Commissioner Tony Grippa  
Commissioner Bob Rackleff  
Commissioner Jane Sauls  
Commissioner Cliff Thael  
Commissioner Dan Winchester, Chairman

**STAFF/OTHERS PRESENT:**

Ms. Anita Favors, City Manager  
Mr. Parwez Alam, County Manager  
Mr. Michael Wright, Assistant City Manager  
Ms. Dinah Hart, Interim Blueprint 2000 Staff Director  
Mr. Jim English, City Attorney  
Mr. John Buss, City Stormwater  
Mr. Bruce Barrett, Director of MPO  
Ms. Theresa Heiker, County Stormwater Engineering

**I. CALL TO ORDER**

The meeting was called to order by Chairman Dan Winchester at 5:04 p.m.

**II. AGENDA MODIFICATIONS**

**III. CONSENT ITEMS**

There was a motion to approve all consent items except for Item 3 by Commissioner Thael and seconded. The motion passed.

1. Meeting Minutes

Recommended Action: Approve July 9, 2001 Minutes as submitted.

2. Future Meeting Dates

Recommended Action: Approve the Intergovernmental Agency meeting on November 19 immediately following the scheduled 3:00 p.m. MPO meeting.

3. Clarification of Reference to "Significant Changes" in Bylaws

Recommended Action: Approve language as recommended by staff.

Ms. Dinah Hart discussed the changes made in the Bylaws regarding the supermajority vote. She read the changes made by staff to define this type of vote. There was a discussion and Commissioner Lightsey moved to approve and it was seconded. The vote was taken and passed in favor of the staff recommendation.

4. Process for review of requests for Blueprint 2000 funding

Recommended Action: Approve process for review of requests for Blueprint 2000 funding.

IV. CONSENT ITEMS PULLED

V. DISCUSSION ITEMS

5. Appointment of Members to the Citizens Advisory Committee (CAC)

Recommended Action: Appoint nominees to the twelve memberships on the Citizens Advisory Committee.

There was a motion by Commission Bailey and seconded to approve appointment of all members with the exception of No. 12. The motion passed.

Commissioner Bailey made a motion that Dr. J. R. Harding be the representative for the disabled community. This was seconded for discussion. There were discussions regarding Mr. Carl McCoy and Dr. Harding. Mayor Maddox suggested that since both of these men serve on several committees, that they may work this out among themselves. This motion was seconded and approved.

6. Discussion of Strategies for Blueprint 2000 Project Implementation

Recommended Action: Provide input and direction to staff on the proposed implementation plan and authorize staff to proceed with the requested tasks/activities.

Dinah Hart discussed the spreadsheet developed by the Tallahassee-Leon County Planning Department. This Draft Implementation Plan followed the Commissioners'



instructions before the Referendum when the voters were told the PD&E and planning stages of these projects would begin as soon as possible. This draft concentrates on the roadway improvements due to the lead time involved. Ms. Hart asked for input on this Draft Implementation Plan.

Commissioner Lightsey made a motion to authorize staff to commence with the PD&E studies and to delay discussion to another time. Commissioner Thaeil seconded the motion and it was passed.

**7. Discussion of Water Quality Program Funding**  
**Recommended Action: Provide direction to staff.**

Commissioner Winchester explained that this item concerned the \$50 million set-aside to be funded by the sales tax extension. The question concerns what types of projects would be eligible. The money designated for water quality in the Blueprint 2000 plan is the only funding not designated for specific projects except for the Frenchtown Watershed Drainage Project. The funding is to be split fifty/fifty between the City and County; \$10 million for the City to spend in Frenchtown on the Watershed Project and \$5 million to be spent on County retrofit projects are the only projects previously identified. He asked that this agency provide staff direction.

Commissioner Winchester read the options provided on Attachment I, which was a memorandum from P.A. to County Commissioners: (1) Establishment of specific criteria for project eligibility for this funding; (2) Development of a full-scale Water Resources Plan to identify priorities for this funding; (3) Each jurisdiction independently performs studies, establish criteria, put together their plans based on the unique water quality issues facing each jurisdiction under this option. Each jurisdiction would provide their own programs to be approved by the Intergovernmental Agency, as well as modifications. The staff recommendation was to approve Option (3).

Ms. Henree Martin proposed that the City and County find an unbiased Water Quality Consultant to work out a proposed plan with the City and County staff to be submitted jointly for mutual agreement by all the parties.

Chairman Winchester approved brief public comments on this issue. Mr. David Guthrie from Killearn Lakes described stormwater problems in his property and water going into his house that is not in a flood zone area. Another homeowner in Killearn Lakes also expressed his stormwater concerns.

Commissioner Grippa moved for approval of Option 1, seconded by Commissioner DePuy.

Mayor Maddox explained that the City of Tallahassee has had a stormwater fee since 1987 and in spite of that, there is still flooding. He stated that is why the Sales Tax Extension had so much backing so there would be money to spend on Stormwater.

He felt one person should overlook the City and County lists to make sure these lists are integrated.

Commissioner Lightsey favored separate City/County project lists but recommended a review group that reflects the Intergovernmental Agency and shows which of those projects will serve the purposes and fit the guidelines of the Blueprint Plan. She pointed out the County does not have a Water Quality Program whereas the City does.

Commissioner DePuy asked Stormwater Engineering staff if the County could take \$25 million and use it for water quality. Ms. Theresa Heiker responded yes. Commissioner DePuy explained when he seconded Commissioner Grippa's motion, it meant taking care of the current flooding problems but also addressing long-term problems.

Commissioner Grippa explained that he was in favor of the County and City identifying their problems and then coordinating this from thereon.

Commissioner Bailey stated that stormwater and water quality issues did not mean two different things.

Commissioner Rackleff felt \$25 million was not going to solve the problem. He spoke about the underfunded Stormwater Program and not enough money in the City or County. He stated that housing developments should not be allowed in flood zone areas.

Commissioner Sauls supported moving this forward as a high priority. She suggested the County prepare its list and stated it was not acceptable to have people get to their homes via boats.

Commissioner Proctor stated that the stormwater fees were needed. He said that the County needs to have a fee to match the City fees.

Mayor Maddox said that equalized fees were needed and the City and County will discuss this issue.

Commissioner Lightsey agreed that the dollar amounts should be agreed upon.

Mayor Maddox moved to investigate a third party expert to look at the City/County project lists and make a recommendation as far as effectiveness and integration for consistency with the Blueprint Plan. This motion was seconded by Commissioner Thael.

Ms. Favors, City Manager, summarized the actions of the meeting stating there had been introduction of new information, some priorities had changed, there were issues to be dealt with, and a short-term and long-term plan had been proposed.

The vote was taken and the motion was unanimously approved.

Commissioner Lightsey proposed that the City and County discuss their priorities regarding changes in funding for this plan, and changes stated regarding the difference in water quality and flooding relief program as policy issues.

Chairman Winchester discussed total maximum daily loads (TMDL) regarding the water quality issue pertaining to tributaries going through a delisting process which Blueprint 2000 pledged to protect. His concern was the lakes involved – Lake Jackson, Lake Munson and Lake Lafayette and he requested information regarding this was critical. He asked that staff and both Commissions obtain information about this issue.

#### **VI. INFORMATIONAL ITEMS**

- 8. Implementation of Intergovernmental Agency Technical Coordinating Committee Review Process**
- 9. Update on Citizen Communications**
- 10. Update on Staff Director position.**
- 11. Update on Supplemental Funding for Blueprint 2000 Projects.**

The Staff Director position for Blueprint 2000 Intergovernmental Agency was discussed and Ms. Favors and Mr. Parwez Alam indicated that interviews were scheduled for next week and expectation to fill this position was by mid-October. Commissioner Lightsey stated she was more concerned with hiring a quality person for this position rather than with the amount of time involved to accomplish this.

- 12. Status of Blueprint 2000 Roadway Design Standards.**

#### **VII. UNAGENDAED BUSINESS**

#### **VIII. ADJOURNMENT**

The meeting adjourned at 6:35 PM.

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## Board of County Commissioners Agenda Request 13

**Date of Meeting:** 11/20/2001

**Date Submitted:** 11/15/2001

**TO:** Honorable Chairman and Members of the Board  
**FROM:** Parwez Alam, County Administrator  
Michael C. Willett, Director of Public Works  
**SUBJECT:** Ratification of Action Taken at the Countywide Flooding Issues Workshop

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**Statement of Issue:**

Approval is requested to ratify Commission actions at the Workshop on Countywide Flooding Issues held on October 30, 2001 and to schedule two workshops.

**Background:**

Leon County was struck by three named storms within the past year, with two very intense storms qualifying for federal disaster assistance. Tropical Storm (T.S.) Helene occurred September 22, 2000, with 24-hour rainfall amounts in excess of eight inches. Recovery efforts were still underway when the remnants of T.S. Allison began to affect Leon County on June 11, 2001, setting a new National Weather Service record for the amount of rainfall recorded in a 24-hour period. T.S. Barry entered the area August 5 and caused widespread flooding throughout Leon County due primarily to the storm occurring so soon following T.S. Allison. The Red Cross only identified 46 structures damaged by the flooding, of which seven were in the unincorporated area. The extent of the T.S. Barry flooding did not qualify for federal disaster assistance.

Based on the extensive rainfall activity, staff presented an agenda item to the Board for consideration at the September 25, 2001 meeting (Attachment #1). In addition to directing staff to proceed with specific stormwater capital improvement projects, Board action included scheduling a workshop to further address flooding issues. That workshop was conducted with the Board October 30, 2001 (Attachment #2).

**Analysis:**

Of the options presented to the Board for consideration, the following items were approved:

#4- Direct staff to draft regulations to require all subdivisions to be publicly dedicated.

#6- Direct staff to continue with the EMP grant application for the expanded gage network.

#7- Direct staff to develop alternative funding scenarios for capital and operating expenses.

#8- Direct staff to pursue FDEP joint project for rainfall estimation and modeling.

#9- Direct staff to develop an enhanced maintenance program utilizing best available standards.

#10-Adopt the proposed capital improvement project list and submit to the BluePrint 2000 Intergovernmental Agency for funding through the County share of the Water quality Program Funding.

#11-Fund the needed basin assessments by including them in the Water Quality Program Funding of BluePrint 2000.

Staff was directed to schedule two additional workshops concerning stormwater maintenance activities and floodplain development regulations. It is requested that workshops for stormwater maintenance activities and floodplain development regulations be scheduled for February 26, 2002 and March 12, 2002 respectively.

**Options:**

1. Ratify Board action taken at the Workshop on Countywide Flooding Issues.
2. Direct staff to schedule a Stormwater Maintenance Activities Workshop for February 26, 2002 from 2 - 4 p.m.
3. Direct staff to schedule a Floodplain Development Regulations Workshop for March 12, 2002 from 2 - 4 p.m.
4. Board direction

**Recommendation:**

Options #1, #2, and #3

**Attachments:**

1. September 25, 2001 Agenda Item
2. October 30, 2001 Workshop Item

[Back](#)

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**DRAFT CRITERIA FOR REVIEW OF  
BLUEPRINT 2000 STORMWATER QUALITY ENHANCEMENT  
PROGRAM AND REGIONAL POND PROJECTS**

Revised  
7/1/02

1. Water quality enhancement capital project to retrofit past development not identified in Recommended Projects Section of Blueprint 2000 and Beyond, Project Definitions Report.
2. Project information includes:
  - a. Project location\*
  - b. Project purpose, objectives, mitigation techniques and anticipated benefits
  - c. Preliminary project schedule
  - d. Location and description of existing amenities adjacent to the project
  - e. Location, description, and schedule for identified Blueprint 2000 projects adjacent to project
  - f. Location, description, and schedule for other local government planned improvements adjacent to the project
  - g. Identification of pollutants of concern based on sensitivity of receiving water bodies
  - h. Existing pollutant loadings for project contributing area
  - i. Estimated reduction in pollutant loadings to receiving water
  - j. Importance of treating project contributing area pollutant loadings relative to treating other pollutant loadings in the watershed
  - k. Environmental mitigation requirements (if applicable)
  - l. Construction cost
  - m. Operation and maintenance (O&M) requirements and estimated annual O&M cost
3. Project is consistent with current and anticipated local government water quality improvement plans.
4. Project provides a cost-effective, long-term pollutant load reduction in the watershed.
5. Project resembles a natural feature and creates an attractive multi-use amenity or improves an existing amenity.
6. Project connects with existing or planned greenways and other amenities.
7. Project is holistically integrated with other Blueprint projects or local government projects and

supports community initiatives.

\* Location is used only to determine the proximity to other projects. Location/Geography may be used by the respective Commissions when determining the priority for initiating studies or sequencing of projects that are approved by the Intergovernmental Agency.


**Board of County Commissioners**  
**Agenda Request**

Attachment # 6  
Page 1 of 19

Date of Meeting: June 11, 2002

Date of Meeting: June 6, 2002

To: Honorable Chairman and Members of the Board

From: Parwez Alam, County Administrator   
Michael C. Willett, Director of Public Works

Subject: Review of County Blueprint 2000 Stormwater Quality Enhancement  
Projects for Funding

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**Statement of Issue:**

The Environmental Research and Design's (ERD) Blueprint 2000 evaluation of County stormwater capital improvement projects will be reviewed by the Intergovernmental Agency on June 17.

**Background:**

The Intergovernmental Agency (IA) directed staff to obtain independent review of the City and County project lists for funding under the Water Quality Program set-aside. ERD, headed by Dr. Harvey Harper, was selected by the Intergovernmental Management Committee (County Administrator and City Manager) to review the lists for consistency with the Blueprint philosophy and integration/coordination of projects between the two governments. The IA ratified the selection of ERD as the consultant at the February 18, 2002 regular meeting. The Leon County water quality project list was submitted to the IA on April 15, 2002 (Attachment #1). The IA directed ERD to develop new criteria for City and County project evaluation to be consistent with the Citizen's Advisory Committee interpretation of funding intent.

**Analysis:**

Leon County submitted a list of 23 projects with brief descriptions to ERD for evaluation. Where available, ERD was also provided additional water quality documentation on specific projects. Based on their review (Attachment #2), ERD divided the projects into three categories:

1. Projects **meeting** Blueprint 2000 Criteria:
  - a. Lexington Regional Pond
  - b. Rhoden Cove Regional Pond
  - c. Okeeheepkee Basin Regional Pond



2. Projects **which may meet** the Blueprint 2000 Criteria pending modification and/or submission of additional information:
  - a. Lake Charles/Harbinwood Flood Mitigation
  - b. Tri-Basin Drainage Improvements
  - c. Lake Munson In-Lake Restoration
  - d. Munson Slough/Liberty Ridge Vicinity Acquisition
  - e. Vega Drive Attenuation Pond
  - f. Avondale Subdivision Modifications
  - g. Sedgefield Subdivision Modifications
  - h. Munson Slough Channel Restoration
3. Projects **not meeting** Blueprint 2000 Criteria:
  - a. Proctor Watershed Drainage Improvements
  - b. Killearn Acres Drainage Improvements
  - c. Basin Assessment Project
  - d. Lake Munson Dam Repair
  - e. Edenfield Road Crossdrain Installation
  - f. Casa Linda/Swatts Road Intersection
  - g. Dorset Way Crossdrain Upgrade
  - h. Timberlane Road Outfall Improvements
  - i. John Hancock Drive Crossdrain Upgrade
  - j. Lakeside Drive Drainage Improvements
  - k. Maylor/Taylor Closed Basin Flood Relief
  - l. Lakeview Drive Bridge Section

The evaluation results were presented to the BP2000 Technical Coordinating Committee (TCC) at the June 3 regular meeting. No discussion was directed to the evaluation criteria nor to the project list. The TCC voted to recommend to the IA that the ERD findings be adopted. Further, it is recommended that all future Water Quality Program projects adopted by the respective commissions be evaluated by ERD using the current criteria, with final funding approval by the Intergovernmental Management Committee (City Manager and County Administrator). The draft agenda item for the June 17<sup>th</sup> Intergovernmental Agency meeting is attached (Attachment #3).

The Interlocal Agreement executed October 27, 2000 between the City and Leon County provides specific direction regarding the administration of the sales tax extension revenue. Paragraph 10.d. states that funding for a Water Quality Program, for stormwater and water quality retrofit projects, will be split 50/50 between the City and the County, with specific reservations of \$10 million for the City Frenchtown project and \$5 million for County retrofit projects. The County Attorney's opinion (Attachment #4) is that the respective jurisdictions may adopt stormwater and water quality retrofit projects for funding, so long as those projects meet the intent of the Water Quality Program. Further, the Program Summary in the Blueprint 2000 Project Definitions report is "not sufficiently clear" to justify excluding projects initiated as flood-control.

Funding

June 11, 2002

Page 3

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**Options:**

1. Consider the ERD report and direct that the \$50 million "Blueprint 2000 Water Quality Program" funding be divided 50/50 in accordance with the Interlocal Agreement; with County projects to be funded with the County's share determined by a vote of the Board of County Commissioners at a regular Board meeting, and City projects to be funded with the City share determined by a vote of the City Commission at a regular City Commission meeting. This option will allow the Board to consider the recommendations of the consultant, ERD, on projects that meet the criteria set by the IA as well as approve projects that the Board deems appropriate.
2. Accept ERD's findings and direct staff to submit additional information for projects which may meet the BP2000 criteria.
3. Board Direction.

**Recommendation:**

Option #1

**Attachments:**

1. Leon County Water Quality Projects List
2. ERD Review Results
3. Draft Agenda Request - Blueprint 2000 Intergovernmental Agency for June 17, 2002
4. Herbert Thiele June 3, 2002, Memo to Jim Davis

PA/MCW/FA

## **Sales Tax Extension Water Quality Program Funding Leon County Projects**

### **E-1 Lake Charles/Harbinwood Flood Mitigation**

Swales will be constructed in easements acquired from the large parcels upstream from the Harbinwood subdivision to direct runoff to attenuation ponds before discharge to a new enclosed high-flow bypass conveyance. The water which currently floods Harriett, Longview and Faulk Drives east of the main drainage run will be discharged to an improved ditch section downstream of Ruth Drive. A permanent force main will be installed and a large capacity pump will be purchased for the Mosquito Control Division to allow rapid response to anticipated flooding of the Faulk Drive Pond. Capture of the peak flows in attenuation facilities and elimination of the frequent channel scour will significantly reduce the sediment load entering Lake Jackson from this tributary.

*Detail provided in the enclosed report: Lake Charles/Harbinwood Estates Flood Mitigation Study, Camp Dresser and McKee, October 2000*

### **E-2 Lexington Pond**

Stormwater will be captured in a treatment facility, providing the greatest level of water quality improvement and flood attenuation possible within the limited site to be purchased east of Meridian Road; Meridian Road will be elevated and larger culverts installed to alleviate frequent road closures; and the drainage easement between Meridian Road and Timberlane will be improved for flood attenuation.

*Detail provided in the enclosed report: Lexington Pond Final Report, Dames and Moore, December 1998*

### **E-3 Rhoden Cove Pond**

Meridian Road will be elevated and larger culverts installed to alleviate frequent road closures; property will be purchased west of Meridian Road to provide treatment and flood attenuation to the greatest extent possible between undisturbed wetland areas and the Meridian Road Canopy Protection Zone.

*Detail provided in the enclosed report: Rhoden Cove Pond Final Report, Dames and Moore, December 1998*

#### **4. Woodmont/Okecheepkee Basin Retrofit:**

Woodmont Pond will be restored to natural grade; runoff will be redirected to a downstream facility at Ty Cobb which will also treat runoff from the new pavement of Okecheepkee Road; the Lower Gwynndale Pond will be restored and the berm stabilized; the culvert under Fuller Road will be increased to alleviate road closures; and the Northwest Florida Water Management District is designing a wet-detention facility on the site between Fuller Road and Lake Jackson/Meginnis Arm.

*Detail provided in the enclosed report: Lake Jackson Okecheepkee Basin Stormwater Alternatives Analysis and Plan, Northwest Florida Water Management District, February 1996*

#### **E-5 Proctor Watershed Drainage Improvements**

Culverts will be replaced along the Killearn Lakes Unit 3 (Proctor Watershed) drainage way and the five residences which cannot be protected by the culvert enlargements will be purchased.

#### **E-6 Killearn Acres Drainage Improvements**

Erosion and resulting sedimentation will be reduced by improving easements, enlarging culverts, and splitting flows to remain within easements. One residence which cannot be protected from frequent flooding will be purchased.

#### **E-7 Tri-Basin Drainage Improvements**

The property acquired at Pedrick Road and US 90 will be excavated for a multi-use stormwater treatment/flood attenuation/passive park facility to receive runoff from the US 90 widening within the basin and floodwaters from the upstream Lafayette Oaks watershed; and flood attenuation facilities will be constructed in the upstream Welaunee Plantation watershed.

*Detail provided in the enclosed summary from the Lafayette Oaks Tri-Basin Draft Report, Baskerville-Donovan Engineers, May 1999*

#### **E-8 Lake Munson Restoration (In-lake)**

Nutrient-rich sediment will be removed from the 255-acre lake bottom; shoreline and lake bottom grading will support improved fish habitat; and recreation facilities will be enhanced.

*Detail provided in the enclosed Water Quality Evaluation of Lake Munson, Northwest Florida Water Management District, August 1988*

### **A-1 Basin Assessment Project**

- a. Additional topographic detail will be obtained in the unincorporated areas for inclusion in the County GIS;
- b. A county-wide Storm Water Management Model (SWMM) will be linked to the GIS to evaluate flooding in existing and future development conditions;
- c. Water quality sampling of creeks and ditches will be performed to calibrate pollution model components;
- d. Watershed sensitivity to development activities will be analyzed for regulatory modifications;
- e. Continuing water quality monitoring of creeks, ditches and lakes will be expanded to establish long-term trends; and
- f. Sensitive areas requiring easement or fee-simple acquisition for protection will be identified.

### **A-2 Lake Munson Dam Repair**

Structural deficiencies of the Lake Munson dam will be addressed by:

- a. Replacing two gates with fixed concrete weirs;
- b. Replacing one large gate with a smaller gate-valve system;
- c. Replacing the sheet metal on one large tainter gate;
- d. Additional and deeper sheet piling will be driven ahead of the dam to reduce groundwater bypass;
- e. Replacing the downstream slab with rubble and regrading the discharge channel; and
- f. Rebuilding the maintenance walkway to OSHA standards.

### **A-3 Munson Slough/Liberty Ridge Vicinity Acquisition**

- a. Residential property south of the Apalachicola National Forest which cannot be protected from flooding due to Munson Slough overflows will be purchased, focusing initially on the properties most frequently and severely affected by the slough depth, velocity, and flood duration.
- b. A county-maintained road will be constructed to property which becomes inaccessible due to the floodwaters, allowing non-threatened residents to remain.

### **A-4 Vega Drive Attenuation Facility**

Property purchased by the City of Tallahassee with the 1994 flood mitigation funds would be excavated to capture and slow the runoff in the West Ditch and West Ditch Tributary Watersheds, providing water quality enhancement of existing development runoff and reducing flood elevations downstream south of US 90 and west of Blountstown Highway. This project was initially recommended in the 1991 Northwest Florida Water Management District Stormwater Management Plan for the Lake Munson Basin.

#### **A-5 Avondale Subdivision Modifications**

The outfall from the Pedrick Road/Buck Lake Road wetland would be modified to capture flow from Avondale and improve discharge east to Alford Arm, reducing flooding in the Sedgefield subdivision and relieving extended high water levels in the natural wetland.

#### **A-6 Sedgefield Subdivision Improvements**

Excessive runoff which currently sheet flows through the subdivision, eroding residential areas and inundating septic tanks would be captured to bypass to the stabilized channel at the subdivision perimeter.

#### **A-7 Edenfield Road Crossdrain Installation**

Installation of a crossdrain and raised inlet will prevent a residence from flooding in a 100-year event without altering existing low-flow capture in a closed basin.

#### **A-8 Casa Linda/Swatts Road Intersection**

Floodwater which enters one residence and inundates adjacent septic tanks will be captured in a bypass inlet and piping system to supplement current drainage facilities during peak intensity events.

#### **A-9 Dorset Way Crossdrain Upgrade**

Crossdrain enlargement will protect one residence from flooding and reduce channel erosion and resulting natural area sedimentation.

#### **A-10 Timberlane Road Outfall Improvements**

The existing culverts under Timberlane Road west of Meridian Road will be increased to prevent the road from flooding in a 100-year event causing upstream yard flooding, inundation of septic tanks, channel scour and resulting sedimentation of natural wetlands.

#### **A-11 John Hancock Drive Crossdrain Upgrade**

Culvert enlargement and downstream channel improvements will protect a residence from flooding in the 100-year event.

#### **A-12 Lakeside Drive Drainage Improvements**

Easements will be acquired to extend a culvert system west from Livingston Road to alleviate residential flooding and channel erosion.

### **A-13 Maylor/Taylor Closed Basin Flood Relief**

Inlets and culverts will be installed to pass floodwaters from the Maylor Road Closed Basin down to the Buck Lake Closed Basin to reduce the duration of septic tank and roadway flooding.

### **A-14 Munson Slough Channel Restoration**

Munson Slough between Crawfordville Highway and Eight-Mile Pond was excavated by the WPA in the 1950's to address flooding upstream of Lake Munson. The area will be regraded to the adjacent elevation to restore floodwater inundation of the adjacent National Forest and the intermittent wetland habitat. In addition, the existing utility crossings will be modified to eliminate flow restrictions and enhance the greenway/recreation opportunities of the continuous channel.

### **A-15 Lakeview Drive Bridge Section**

The existing roadway and culverts interrupt the natural flow between Lake Bradford and Grassy Lake, resulting in wide areas of channel scour, road and yard erosion, and septic tank failures. The road will be replaced with a bridge sufficient for a 25-year storm event; two residences will be purchased and removed to allow channel improvements to contain flows up to a 25-year event within the channel; and a flap-gate would be installed at Cypress Hawk Lane to reduce yard flooding during peak stages in Lake Bradford.

WATER QUALITY ENGINEERING

3419 TRENTWOOD BLVD., SUITE 102 - ORLANDO, FL 32812

TELEPHONE: (407) 855-9465 - FAX: (407) 826-0419

May 30, 2002

Mr. James Davis  
Blueprint 2000 Executive Director  
300 S. Adams Street  
Tallahassee, FL 32301

RE: Review of Blueprint 2000 Stormwater Quality Enhancement Projects

Dear Mr. Davis:

Environmental Research & Design, Inc. (ERD) has completed an initial review of water resources projects provided by Leon County. The projects were evaluated using the criteria developed by ERD and amended by the Blueprint 2000 Technical Advisory Committee. The evaluation was based on a review of the Blueprint 2000 and Beyond Project Definitions Report dated February 7, 2000, and the following documents provided by Leon County:

1. Information for Blueprint 2000 Review - Ford's Arm Lexington Branch Regional Stormwater Retrofit Pond, Okecheepkee Basin Regional Stormwater Retrofit Facility and Ford's Arm Rhoden Cove Regional Stormwater Retrofit Pond (received by e-mail, May 24, 2002)
2. Listing of Sales Tax Extension Water Quality Program Funding (Leon County Projects, March 2002)
3. Letter dated March 27, 2002 from Theresa Hiker to Jeff Herr
4. Lake Charles/Harbinwood Estates Flood Mitigation Study - Final Modeling Report (Camp Dresser & McKee, October 2000)
5. Stormwater Management Analysis - Rhoden Cove Pond Final Report (Dames & Moore, December 1998)
6. Stormwater Management Analysis - Lexington Pond Final Report (Dames & Moore, December 1998)
7. Diagnostic Feasibility Report for Lake Munson (Northwest Florida Water Management District, August 1992)
8. Water Quality Evaluation of Lake Munson - Leon County, FL (Northwest Florida Water Management District, August 1988)



9. Lake Jackson Okeechepke Basin Stormwater Alternatives Analysis and Plans (Northwest Florida Water Management District, Revised February 1996)
10. Tri-Basin Draft Report Proposed Model

Copies of the initial Leon County project listing, response letter from Theresa Hiker, and information on three regional stormwater retrofit ponds are attached to this letter. Based on our initial review, the 23 submitted County projects were divided into three categories:

1. Projects which meet Blueprint 2000 Criteria 1-7 based on submitted information
2. Projects which may meet Criteria 1-7 pending project modifications or the submission of additional documentation
3. Projects which do not appear to meet Criteria 1-7

Projects which meet Blueprint 2000 Criteria 1-7, based on our review, include:

1. E-2 Lexington Pond
2. E-3 Rhoden Cove Pond
3. E-4 Okeechepke Basin Regional Pond

The classification of these three projects assumes the projects will be designed to resemble a natural feature and to create an attractive multi-use amenity. Projects which may possibly meet Criteria 1-7 pending project modifications or the submittal of additional information include:

1. E-1 Lake Charles/Harbinwood Flood Mitigation
2. E-7 Tri-Basin Drainage Improvements
3. E-8 Lake Munson Restoration (in-lake)
4. A-3 Munson Slough/Liberty Ridge Vicinity Acquisition
5. A-4 Vega Drive Attenuation Facility
6. A-5 Avondale Subdivision Modifications
7. A-6 Sedgefield Subdivision Improvements
8. A-14 Munson Slough Channel Restoration

Additional information would need to be provided by the County to determine if these projects can meet Blueprint 2000 Criteria 1-7. Projects which do not appear to meet Criteria 1-7 include:

1. E-5 Proctor Watershed Drainage Improvements
2. E-6 Killearn Acres Drainage Improvements
3. A-1 Basin Assessment Project
4. A-2 Lake Munson Dam Repair
5. A-7 Edenfield Road Cross Drain Installation
6. A-8 Casa Linda/Swatts Road Intersection
7. A-9 Dorset Way Cross Drain Upgrade
8. A-10 Timberlane Road Outfall Improvements
9. A-11 John Hancock Drive Cross Drain Upgrade
10. A-12 Lakeside Drive Drainage Improvements
11. A-13 Maylor/Taylor Closed Basin Flood Relief
12. A-15 Lakeview Drive Bridge Section

Please contact us if you have any questions regarding the information provided in this letter.  
We look forward to meeting with you on June 3rd at 2 p.m. and on June 6th at 4:30 p.m.

Sincerely,



Jeffrey L. Herr, P.E.

Vice President - Engineering

JLH:shd  
Job No. 02-006

CITY OF TALLAHASSEE - LEON COUNTY  
**BLUEPRINT**  
INTERGOVERNMENTAL AGENCY **2000**

## Agenda Item

|   |   |
|---|---|
| <b>SUBJECT/TITLE:</b> Water Quality Program Funding |   |
| <b>Date:</b> June 17, 2002                          | <b>Requested by:</b> Intergovernmental Agency |
| <b>Contact Person:</b> Jim Davis                    | <b>Type of Item:</b> Discussion               |

### STATEMENT OF ISSUE:

This is a continuing item from February 18, 2002 and April 15, 2002. The issue is the evaluation of a series of projects submitted for funding by the County under the Blueprint 2000 Program Summary: Storm water Quality Enhancement Program and Regional Ponds.

### SUPPLEMENTAL INFORMATION:

#### Facts:

1. In February the staff was directed to hire a consultant to develop a criteria to evaluate a listing of stormwater related projects that the County has prepared and requested be funded by Blueprint 2000.
2. In April it was determined that the criteria developed by the consultant was incomplete and staff was again directed to have the consultant revise the criteria and re-evaluate each project against the new criteria.
3. The basic change to the original criteria was the addition of items contained within the Blueprint 2000 Program Summary, Stormwater Quality Enhancements and Regional Ponds.
4. The consultant completed his re-evaluation based on the revised criteria and determined that three County projects met the criteria (see Attachment 1).
5. An additional eight County projects may meet the established criteria however insufficient information was provided to the consultant for a recommendation to be made. The consultant determined that twelve County projects do not meet the criteria.

#### Option 1:

Approve the three county stormwater enhancement projects as recommended by the consultant.

#### Advantages:

1. Is in keeping with the established criteria and Blueprint guidelines
2. Initiates needed stormwater work without undue delays

#### Disadvantages:

1. Does not provide a complete plan for water quality.

**Option 2:**

Disapprove the three county stormwater quality enhancement projects until a comprehensive water quality plan is developed.

**Advantages:**

1. Keeps with the strict interpretation of the Program Summary.

**Disadvantages:**

1. Undue delay for needed projects.

**Option 3:**

Approve the three county projects as recommended by the consultant and request the County staff to develop the additional information needed to fully evaluate the eight additional projects that the consultant has deemed feasible but could not recommend due to insufficient information.

**Advantages:**

1. Is in keeping with the established criteria and the Blueprint guidelines.
2. Establishes a process for additional project evaluation for County or City projects.
3. Eliminates undue delays.

**Disadvantages:**

1. Does not comply with a strict interpretation of the Program Summary in that this option does not provide for a Water Quality Enhancement Capital Improvement Plan.

**Action by TCC and CAC:** The TCC approved Option 3 and further recommended that all interest and other associated costs be paid from each government's share (\$25M) as appropriate.

**RECOMMENDATION:**

Staff recommends Option 3 and also recommended that as data is developed by both the City and County which allows for the evaluation of individual projects, that the consultant evaluate each project submitted. The Intergovernmental Management Committee, with the concurrence of the TCC and CAC, shall be authorized to approve individual projects. Further all costs associated with each project to include consultant and interest shall be absorbed within the City's or County's \$25M share of the Water Quality Funds.

Action by TCC and CAC:

ATTACHMENT(S):

**DRAFT**

# BOARD OF COUNTY COMMISSIONERS

## INTER-OFFICE MEMORANDUM

To: James H. Davis  
Staff Director - Blueprint 2000

From: Herbert W.A. Thiele  
County Attorney

Date: June 3, 2002

Subject: Request for Legal Opinions on Stormwater Quality Enhancement Program and Springhill Road enhancement

*Hand Delivered*

*Daniel J. R. for*

This memorandum responds to your letter dated May 28, 2002, wherein you requested a legal opinion on various questions that have arisen concerning the interpretation of the Blueprint 2000 program summaries. With regard to the issues involving the funding set aside for the Stormwater Quality Enhancement Program and Regional Ponds, you have asked for answers to specific questions, as follows:

1. Are these funds primarily intended for water quality and only as a secondary and ancillary use for flood control?
2. Can these funds be used for flood control without the primary intent being water quality?
3. If the answer to Question 2 is "yes," then is a supermajority vote and two public meetings are required to amend the text to allow these funds to be used for flooding projects?
4. Is there is legal exposure for the City and the County if the identified funds are used for flood control? Is there any legal exposure if they are not used for water quality issues as prescribed by the Blueprint 2000 Program Summary, Stormwater Quality Enhancement Program, and Regional Ponds?

In addition, you have asked for an opinion on whether or not a supermajority vote and two public meetings would be required before implementing the Springhill Road enhancement as a Tier I (One) project to be completed in conjunction with the Capitol Circle Southwest improvement project.

### **Flooding Prevention in the Stormwater Quality Enhancement Program**

In order to answer your specific questions regarding the applicability of flooding prevention projects in the Stormwater Quality Enhancement Program and Regional Ponds, I have reviewed the following:

- the Interlocal Agreement between Leon County and the City of Tallahassee which creates the Blueprint 2000 Intergovernmental Agency and establishes the uses of the proceeds generated by the sales tax levy; and
- the Project Definitions Report which outlines the Blueprint 2000 program and specifically addresses funding for use in the Stormwater Quality Enhancement Program and Regional Ponds (the Program).

#### **Question 1**

Your first question asks if these funds are primarily intended for water quality while considering flood prevention and control as only a secondary and ancillary objective. Unfortunately, this question does not have a definitive answer because of the generalized nature of the Blueprint 2000 Program Summary of the Stormwater Quality Enhancement Program and Regional Ponds (the Program Summary).

The Program Summary begins by stating in the first paragraph the importance of additional retrofit facilities to prevent flooding and treat runoff, as follows:

While some retrofit facilities are specifically identified in the Recommended Projects Section, others are needed to prevent flooding and treat runoff from past development. This summary documents the necessity to reserve funding for stormwater retrofit projects. Though specific details of additional structural facilities are not yet defined, all agree that more retrofit is needed, and therefore, financial allowances must be made.

It is not until the second paragraph that the objective of the Program is stated, as follows:

The objective will be obtaining quantifiable data on the location and relative magnitude of pollution problems, the sensitivity of receiving waterbodies, techniques for mitigation, and costs of implementation.

James H. Davis, Staff Director  
June 3, 2002  
Page Three

In addition, the Cost Estimate section of the Program Summary states that a fundamental element of the Program is the Water Quality Enhancement Capital Improvement Plan (WQE/CIP) which defines the projects based on an analysis of pollutant loading, sensitivity of the receiving waterbodies, pollutant removal effectiveness, and facility costs. A plain reading of the Program Summary, therefore, apparently indicates that the goals of the Program are both to prevent flooding and enhance the water quality. In answer to your first question, however, the Program Summary is not sufficiently clear on whether the flooding prevention projects are intended as a primary or secondary objective. Because of the generalized nature of the Program Summary, a flooding prevention project funded by the Program would, therefore, be consistent with the Program as outlined by the Program Summary in the Blueprint 2000 Project Definitions Report.

### Question 2

I assume that the intent of your second question is to determine if the Program funds can be used for flood prevention and control if, in fact, those types of projects are not the primary objective of the Program. I believe the answer depends not on whether the flooding project is a primary or secondary objective, but rather on whether it is consistent with the overall intent of the Program. If the flood prevention project is determined to be not consistent with the Program, then it may not be funded by the Program. On the other hand, if the flooding project meets the objectives and intent of the Program, then there is no reason it could not be funded by the Program.

As I explained in my answer to your first question, a flooding prevention project funded by the Program would be consistent with the Program, as outlined by the Program Summary in the Blueprint 2000 Project Definitions Report. As such, the funds from the Program could be used for a flooding prevention project.

### Question 3

With the answer to your second question being yes, you follow with your third question of whether a supermajority vote and two public meetings would be required to amend the text to allow these funds to be used for flooding projects. For the purposes of this question, I have assumed that the text referred to in your question is contained in the Program Summary and the Interlocal Agreement.

The Interlocal Agreement lists the Water Quality Program, in paragraph 10(d), as one of the projects approved for "first priority" funding in the amount of \$57,100,000 to be split 50/50 by the County and the City. The Interlocal Agreement describes the project as follows:

Water Quality Program - Funding for stormwater and water quality retrofit to be split 50/50 between City and County (includes \$10



James H. Davis, Staff Director  
June 3, 2002  
Page Four

million for retrofit and drainage improvements in Frenchtown watershed and \$5 million for various County retrofit projects in the urban area previously identified as high priority).

Paragraph 11 of the Interlocal Agreement provides that the projects listed in paragraph 10 can be significantly amended, deleted, or added to only as follows:

- if unforeseen conditions require such a change; and
- the change is approved by a supermajority vote after taking into consideration the recommendations of the Citizens' Advisory Committee, the Technical Coordinating Committee, and the Intergovernmental Management Committee; and
- such a vote is not taken until after two noticed public meetings.

The Interlocal Agreement makes no other references to a requirement of a supermajority vote and two public meetings. That requirement, therefore, only applies to the Water Quality Program if a significant amendment, deletion, or addition is made to the Water Quality Program as defined in paragraph 10(d) of the Interlocal Agreement. In answer to your question, however, it appears from a plain reading of the Water Quality Program as defined in paragraph 10(d) of the Interlocal Agreement and the further description of the Program as found in the Program Summary, that funds may be utilized consistent therewith (for stormwater and water quality retrofit) without the necessity of a supermajority vote and two public meetings.

#### Question 4

In question four, you have asked if there is any legal exposure for the City and the County if the funds are used for flood control and if they are not used for water quality as prescribed in the Program Summary. There is always legal exposure from a taxpayer who is unhappy with the acts taken by the City and the County. In fact, the Citizens' Advisory Committee has already given its opinion that flooding prevention is not the primary objective of the Program.

In answer to your question I will reiterate my answers from above: a project funded by the Program and intended to prevent and control flooding would be consistent with the Program, as outlined by the Program Summary in the Blueprint 2000 Project Definitions Report.

James H. Davis, Staff Director  
June 3, 2002  
Page Five

**Priority of Springhill Road Enhancement**

You have also asked for an opinion on whether the Springhill Road enhancement project, currently listed as a second priority project, could be included in the Capitol Circle Southwest project as a first priority project without a supermajority vote and two public meetings. In order to answer this question, we will need to consult further with staff regarding the enhancement project. An answer to your question will, therefore, be provided in a separate memo as soon as possible.

If you have any further questions regarding these issues, please do not hesitate to give me a call.

cc: Anita Favors, City Manager  
James R. English, City Attorney  
Parwez Alam, County Administrator


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## Board of County Commissioners

### Agenda Request

Date of Meeting: June 24, 2003  
Date Submitted: June 18, 2003

To: Honorable Chairman and Members of the Board

From: Parwez Alam, County Administrator   
Tony Park, P.E., Director of Public Works

Subject: Acceptance of Blueprint 2000 Stormwater Projects Status Report

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#### **Statement of Issue:**

This agenda item requests Board acceptance of the status report on Blueprint 2000 Stormwater projects. The Water Quality Program, funded through the sales tax extension, was designated by the Board to implement specific projects as approved by the Intergovernmental Agency.

#### **Background:**

The Sales Tax Extension was approved by voters in November 2000, with the majority of funds (80%) directed to the Blueprint 2000 program implementation. The Board of County Commissioners joins with the Tallahassee City Commission to serve as the Intergovernmental Agency (IA) providing policy direction for the implementation of the Blueprint 2000 projects, based on the Interlocal Agreement executed October 27, 2000. The IA bylaws were adopted February 14, 2001, and govern the process relating to projects funded from the 80% sales tax proceeds.

The Water Quality Program Funding was discussed by the IA as Item 7 at the September 17, 2001 meeting in order to provide direction to staff regarding project development (Attachment #1). Staff was directed to obtain an independent consultant to review City and County projects for consistency with the Blueprint 2000 philosophy. At the November 20, 2001 meeting, the proposed County Capital Project List was adopted by the Board, ratifying the October 31 workshop on County-wide Flooding Issues (Attachment #2). The IA hired Environmental Research and Development (ERD) to review the Project List for consistency with Blueprint 2000 standards.

The Water Quality Program Funding was discussed as Item 6 at the April 10, 2002 IA meeting (Attachment #3). The consultant was directed to revise the project evaluation criteria, so the County could resubmit the approved projects for funding at a subsequent meeting. Three projects were determined by ERD to meet the revised criteria, and approved by the IA at the June 17, 2002 IA meeting (Attachment #4). Additional information was necessary to complete the consistency review for the remaining capital projects.

The County \$5 million stormwater project list for retrofit projects was reviewed and approved by the Board at the April 29, 2003, meeting (Attachment #5).

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**Analysis:**

The Interlocal Agreement between the City and Leon County provides specific direction regarding the administration of the sales tax extension revenue. Paragraph 10.d. states that funding for a Water Quality Program, for stormwater and water quality retrofit projects, will be split 50/50 between the City and the County, with specific reservations of \$10 million for the City Frenchtown project and \$5 million for County retrofit projects.

Of the 23 projects initially submitted to ERD, the projects approved for funding were the three (3) Lake Jackson regional water quality facilities (Lexington Pond, Rhoden Cove Pond and Woodmont/Okeeheepkee Basin Retrofit). Substantial design information had been developed by the Northwest Florida Water Management District (NFWMD) in the Lake Jackson Retrofit Plan. The projects were accepted without specific costs, due to the intent to obtain funding from the US Army Corps of Engineers (USACOE) and other grant agencies. The initial cost estimates for the three (3) projects were: \$2.7 million for Lexington Pond, \$1.9 million for Rhoden Cove Pond, and \$2.0 million for Woodmont/Okeeheepkee Basin Retrofit. The project costs associated with the Fords Arm projects (Lexington and Rhoden Cove) were updated in 1998. At this time, the project site acquisitions will likely require an additional \$1 million. The County funds reserved for these projects were reallocated to other capital projects once Blueprint funding was approved.

Five (5) additional projects were submitted to ERD for additional review: 1) and 2) involves expansion of the Killlearn Acres drainage improvements to include water quality treatment; 3) addresses the water quality benefits of the Pedrick Pond construction; 4) takes advantage of the water quality benefits derived from restoring open space where urban development encroached on floodplain (Liberty Ridge); and, 5) restores habitat along the Munson Slough south of Crawfordville Highway. The additional projects have not yet been approved, but additional technical support is being prepared by County staff.

The projects, descriptions and estimated costs from the Water Quality Program allocation are as follows:

| <b><u>Retrofit Project</u></b> | <b><u>Description</u></b>   | <b><u>Estimated Costs</u></b> |
|--------------------------------|---|-------------------------------|
|                                |   | <b><u>CostsCo</u></b>         |
| Lake Heritage Outfall          | Stabilize outfall structure                                       | \$180,000                     |
| Munson Dam                     | Design, Permitting, Reconstruction                                | \$1,750,000                   |
| Faulk Drive Pond               | Retrofit pond, inflow, discharge                                  | \$1,600,000                   |
| Lakeshore Estates Unit 5       | Retrofit pond and outfall   | \$75,000                      |
| Henrietta Trash Racks          | Redesign & Construct  | \$150,000                     |
| Yorktown Pond                  | Planting and Water Quality Enhancements, Repair Outfall Structure | \$80,000                      |

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| <b>Autumn Woods Ponds:</b>  |   |                    |
|---|---|--------------------|
| 1. Split Oak & Cypress Cir.   | Retrofit                                  | \$25,000           |
| 2. Cypress Cir and Bright Drive                                       | Outfall modification                      | \$35,000           |
| Forest Estates/Grey Forest  | Sediment removal                          | \$25,000           |
| Avondale, south pond  | Sediment removal                          | \$25,000           |
| Sedgefield Bypass Channel   | Replace paved swale with vegetation       | \$75,000           |
| Miccosukee Pines  | Pond retrofit                             | \$50,000           |
| Miller Landing Road Pond  | Design and Construct                      | \$35,000           |
| Pond Landscaping (various sites)                                      | Wetland plantings, trees                  | \$70,000           |
| Oak Ridge South Pond  | Bank stabilization                        | \$50,000           |
| Gum Creek Erosion Control   | East and south slope stabilization        | \$150,000          |
| Conveyance South of Lakeshore to Yorktown Pond                        | Easement Acquisition and Stabilization    | \$300,000          |
| Sharer Rd to Brandon Woods  | Stabilize erosion ravine                  | \$250,000          |
| Lakeshore Gardens, East Ditch   | Erosion channel stabilization             | \$25,000           |
| Runnymede Channel   | Erosion stabilization                     | \$50,000           |
| Killearn Commons Unit 2   | Conveyance erosion                        | \$35,000           |
| <b>Approved Retrofit Project Total</b>                                |   | <b>\$5,000,000</b> |
| <b>Retrofit "B" List</b>  |   |                    |
| Mosquito Ditch 19 (CCSW to US90)                                      | Bank stabilization                        |                    |
| Mosquito Ditch 20 (North Branch Gum Creek)                            | Bank stabilization                        |                    |
| Mosquito Ditch 21 (Gum Creek confluence to west of Aenon Church Road) | Bank stabilization                        |                    |
| Debko Subdivision Pond  | Redesign and reconstruct                  |                    |
| Emerald Acres Phase III Pond  | Redesign and reconstruct                  |                    |
| Hialeah Park Conveyance   | Regrade and stabilize                     |                    |
| Hill-N-Dale Pond and Conveyance                                       | Retrofit inflow and bypass                |                    |
| Lakeside Drive and Livingston Rd.                                     | Conveyance improvement                    |                    |
| Ben Boulevard Conveyance  | Regrade and stabilize                     |                    |
| Lake Breeze Subdivision   | Conveyance enhancement                    |                    |
| Park Hill Subdivision   | Retrofit inlets for floatables removal    |                    |
| Pine Meadows Subdivision  | Redesign and reconstruct                  |                    |
| Plantation Woods Subdivision  | Pond and conveyance redesign and retrofit |                    |
| Springhill Road Ponds   | Stabilize outfalls                        |                    |

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| <b>Approved Capital Projects</b>     |  |                    |
|--------------------------------------|--|--------------------|
| Lexington Pond Regional Facility     | Acquire site, design, and construct regional facility  | \$3,200,000        |
| Rhoden Cove Regional Facility        | Acquire site, design, and construct regional facility  | \$2,400,000        |
| Woodmont/Okeeheepkee Basin Retrofit  | Restore Woodmont Pond, construct replacement treatment pond, improve Fuller Road, and construct Fuller Regional Facility | \$2,000,000        |
| <b>Approved Capital Total</b>        |  | <b>\$7,600,000</b> |
| <b>Capital Projects Under Review</b> |  |                    |
| Killearn Acres - Upper System        | Ponds and habitat restoration  | \$1,750,000        |
| Killearn Acres - Lower System        | Detention pond   | \$125,000          |
| Liberty Ridge Land Use Conversion    | Restore Munson floodway to natural open space  | \$4,500,000        |
| Tri-Basin Improvements               | Pedrick Road pond and park amenities   | \$1,100,000        |
| Munson Slough Improvements           | Restore 5,500 LF of floodway in Apalachicola National Forest   | \$950,000          |
| <b>Capital Projects in Review</b>    |  | <b>\$8,425,000</b> |

NOTE: The Tri-Basin Improvements (Pedrick Pond) is currently funded by Capital Improvement Bonds. If the project is approved for funding, the bond funds currently obligated can be redirected to other maintenance or capital projects.

The total costs for projects approved by the County Commission and the Intergovernmental Agency from the Water Quality Program is \$12.6 million. If the additional capital projects are approved, the total increases to \$21,025,000. The balance unencumbered in the County Water Quality Program share would be \$3,975,000. This balance could provide a 16% contingency to complete the approved projects. At Board direction, additional capital projects could be developed to utilize the remaining balance.

**Options:**

1. Accept the Blueprint 2000 Stormwater Projects Status Report.
2. Do not accept the Blueprint 2000 Stormwater Projects Status Report.
3. Board Direction.

**Recommendation:**

Option #1.

**Attachments:**

1. BPIA Minutes - September 17, 2001
2. Commission Agenda Request - November 20, 2001
3. BPIA Minutes - April 10, 2002
4. BPIA Minutes - June 17, 2002
5. Commission Agenda Request - April 29, 2003

**TALLAHASSEE-LEON COUNTY BLUEPRINT 2000 INTERGOVERNMENTAL  
AGENCY MINUTES**

**September 17, 2001  
Commission Chambers, City Hall**

**MEMBERS PRESENT:**

**City**

Commissioner John Paul Bailey  
Commissioner Charles Billings  
Commissioner Debbie Lightsey  
Mayor Scott Maddox  
Commissioner Steve Meisburg

**County**

Commissioner Ed DePuy  
Commissioner Bill Proctor  
Commissioner Tony Grippa  
Commissioner Bob Rackleff  
Commissioner Jane Sauls  
Commissioner Cliff Thael  
Commissioner Dan Winchester, Chairman

**STAFF/OTHERS PRESENT:**

Ms. Anita Favors, City Manager  
Mr. Parwez Alam, County Manager  
Mr. Michael Wright, Assistant City Manager  
Ms. Dinah Hart, Interim Blueprint 2000 Staff Director  
Mr. Jim English, City Attorney  
Mr. John Buss, City Stormwater  
Mr. Bruce Barrett, Director of MPO  
Ms. Theresa Heiker, County Stormwater Engineering

**I. CALL TO ORDER**

The meeting was called to order by Chairman Dan Winchester at 5:04 p.m.

**II. AGENDA MODIFICATIONS**

**III. CONSENT ITEMS**

There was a motion to approve all consent items except for Item 3 by Commissioner Thael and seconded. The motion passed.

1. Meeting Minutes

Recommended Action: Approve July 9, 2001 Minutes as submitted.

2. Future Meeting Dates

Recommended Action: Approve the Intergovernmental Agency meeting on November 19 immediately following the scheduled 3:00 p.m. MPO meeting.

3. Clarification of Reference to "Significant Changes" in Bylaws

Recommended Action: Approve language as recommended by staff.

Ms. Dinah Hart discussed the changes made in the Bylaws regarding the supermajority vote. She read the changes made by staff to define this type of vote. There was a discussion and Commissioner Lightsey moved to approve and it was seconded. The vote was taken and passed in favor of the staff recommendation.

4. Process for review of requests for Blueprint 2000 funding

Recommended Action: Approve process for review of requests for Blueprint 2000 funding.

IV. CONSENT ITEMS PULLED

V. DISCUSSION ITEMS

5. Appointment of Members to the Citizens Advisory Committee (CAC)

Recommended Action: Appoint nominees to the twelve memberships on the Citizens Advisory Committee.

There was a motion by Commission Bailey and seconded to approve appointment of all members with the exception of No. 12. The motion passed.

Commissioner Bailey made a motion that Dr. J. R. Harding be the representative for the disabled community. This was seconded for discussion. There were discussions regarding Mr. Carl McCoy and Dr. Harding. Mayor Maddox suggested that since both of these men serve on several committees, that they may work this out among themselves. This motion was seconded and approved.

6. Discussion of Strategies for Blueprint 2000 Project Implementation

Recommended Action: Provide input and direction to staff on the proposed implementation plan and authorize staff to proceed with the requested tasks/activities.

Dinah Hart discussed the spreadsheet developed by the Tallahassee-Leon County Planning Department. This Draft Implementation Plan followed the Commissioners'



instructions before the Referendum when the voters were told the PD&E and planning stages of these projects would begin as soon as possible. This draft concentrates on the roadway improvements due to the lead time involved. Ms. Hart asked for input on this Draft Implementation Plan.

Commissioner Lightsey made a motion to authorize staff to commence with the PD&E studies and to delay discussion to another time. Commissioner Thael seconded the motion and it was passed.

**7. Discussion of Water Quality Program Funding**  
**Recommended Action: Provide direction to staff.**

Commissioner Winchester explained that this item concerned the \$50 million set-aside to be funded by the sales tax extension. The question concerns what types of projects would be eligible. The money designated for water quality in the Blueprint 2000 plan is the only funding not designated for specific projects except for the Frenchtown Watershed Drainage Project. The funding is to be split fifty/fifty between the City and County; \$10 million for the City to spend in Frenchtown on the Watershed Project and \$5 million to be spent on County retrofit projects are the only projects previously identified. He asked that this agency provide staff direction.

Commissioner Winchester read the options provided on Attachment I, which was a memorandum from P.A. to County Commissioners: (1) Establishment of specific criteria for project eligibility for this funding; (2) Development of a full-scale Water Resources Plan to identify priorities for this funding; (3) Each jurisdiction independently performs studies, establish criteria, put together their plans based on the unique water quality issues facing each jurisdiction under this option. Each jurisdiction would provide their own programs to be approved by the Intergovernmental Agency, as well as modifications. The staff recommendation was to approve Option (3).

Ms. Henree Martin proposed that the City and County find an unbiased Water Quality Consultant to work out a proposed plan with the City and County staff to be submitted jointly for mutual agreement by all the parties.

Chairman Winchester approved brief public comments on this issue. Mr. David Guthrie from Killearn Lakes described stormwater problems in his property and water going into his house that is not in a flood zone area. Another homeowner in Killearn Lakes also expressed his stormwater concerns.

Commissioner Grippa moved for approval of Option 1, seconded by Commissioner DePuy.

Mayor Maddox explained that the City of Tallahassee has had a stormwater fee since 1987 and in spite of that, there is still flooding. He stated that is why the Sales Tax Extension had so much backing so there would be money to spend on Stormwater.

He felt one person should overlook the City and County lists to make sure these lists are integrated.

Commissioner Lightsey favored separate City/County project lists but recommended a review group that reflects the Intergovernmental Agency and shows which of those projects will serve the purposes and fit the guidelines of the Blueprint Plan. She pointed out the County does not have a Water Quality Program whereas the City does.

Commissioner DePuy asked Stormwater Engineering staff if the County could take \$25 million and use it for water quality. Ms. Theresa Heiker responded yes. Commissioner DePuy explained when he seconded Commissioner Grippa's motion, it meant taking care of the current flooding problems but also addressing long-term problems.

Commissioner Grippa explained that he was in favor of the County and City identifying their problems and then coordinating this from thereon.

Commissioner Bailey stated that stormwater and water quality issues did not mean two different things.

Commissioner Rackleff felt \$25 million was not going to solve the problem. He spoke about the underfunded Stormwater Program and not enough money in the City or County. He stated that housing developments should not be allowed in flood zone areas.

Commissioner Sauls supported moving this forward as a high priority. She suggested the County prepare its list and stated it was not acceptable to have people get to their homes via boats.

Commissioner Proctor stated that the stormwater fees were needed. He said that the County needs to have a fee to match the City fees.

Mayor Maddox said that equalized fees were needed and the City and County will discuss this issue.

Commissioner Lightsey agreed that the dollar amounts should be agreed upon.

Mayor Maddox moved to investigate a third party expert to look at the City/County project lists and make a recommendation as far as effectiveness and integration for consistency with the Blueprint Plan. This motion was seconded by Commissioner Thael.

Ms. Favors, City Manager, summarized the actions of the meeting stating there had been introduction of new information, some priorities had changed, there were issues to be dealt with, and a short-term and long-term plan had been proposed.

The vote was taken and the motion was unanimously approved.

Commissioner Lightsey proposed that the City and County discuss their priorities regarding changes in funding for this plan, and changes stated regarding the difference in water quality and flooding relief program as policy issues.

Chairman Winchester discussed total maximum daily loads (TMDL) regarding the water quality issue pertaining to tributaries going through a delisting process which Blueprint 2000 pledged to protect. His concern was the lakes involved -- Lake Jackson, Lake Munson and Lake Lafayette and he requested information regarding this was critical. He asked that staff and both Commissions obtain information about this issue.

#### **VI. INFORMATIONAL ITEMS**

- 8. Implementation of Intergovernmental Agency Technical Coordinating Committee Review Process**
- 9. Update on Citizen Communications**
- 10. Update on Staff Director position.**
- 11. Update on Supplemental Funding for Blueprint 2000 Projects.**

The Staff Director position for Blueprint 2000 Intergovernmental Agency was discussed and Ms. Favors and Mr. Parwez Alam indicated that interviews were scheduled for next week and expectation to fill this position was by mid-October. Commissioner Lightsey stated she was more concerned with hiring a quality person for this position rather than with the amount of time involved to accomplish this.

- 12. Status of Blueprint 2000 Roadway Design Standards.**

#### **VII. UNAGENDAED BUSINESS**

#### **VIII. ADJOURNMENT**

The meeting adjourned at 6:35 PM.

**Board of County Commissioners**  
**Agenda Request 13**

**Date of Meeting:** 11/20/2001  
**Date Submitted:** 11/15/2001

**TO:** Honorable Chairman and Members of the Board  
**FROM:** Parvez Alam, County Administrator  
Michael C. Willett, Director of Public Works  
**SUBJECT:** Ratification of Action Taken at the Countywide Flooding Issues Workshop

**Statement of Issue:**  
Approval is requested to ratify Commission actions at the Workshop on Countywide Flooding Issues held on October 30, 2001 and to schedule two workshops.

**Background:**  
Leon County was struck by three named storms within the past year, with two very intense storms qualifying for federal disaster assistance. Tropical Storm (T.S.) Helene occurred September 22, 2000, with 24-hour rainfall amounts in excess of eight inches. Recovery efforts were still underway when the remnants of T.S. Allison began to affect Leon County on June 11, 2001, setting a new National Weather Service record for the amount of rainfall recorded in a 24-hour period. T.S. Barry entered the area August 5 and caused widespread flooding throughout Leon County due primarily to the storm occurring so soon following T.S. Allison. The Red Cross only identified 46 structures damaged by the flooding, of which seven were in the unincorporated area. The extent of the T.S. Barry flooding did not qualify for federal disaster assistance.

Based on the extensive rainfall activity, staff presented an agenda item to the Board for consideration at the September 25, 2001 meeting (Attachment #1). In addition to directing staff to proceed with specific stormwater capital improvement projects, Board action included scheduling a workshop to further address flooding issues. That workshop was conducted with the Board October 30, 2001 (Attachment #2).

- Analysis:**  
Of the options presented to the Board for consideration, the following items were approved:
- #4- Direct staff to draft regulations to require all subdivisions to be publicly dedicated.
  - #6- Direct staff to continue with the EMP grant application for the expanded gage network.
  - #7- Direct staff to develop alternative funding scenarios for capital and operating expenses.
  - #8- Direct staff to pursue FDEP joint project for rainfall estimation and modeling.
  - #9- Direct staff to develop an enhanced maintenance program utilizing best available standards.
  - #10- Adopt the proposed capital improvement project list and submit to the BluePrint 2000 Intergovernmental Agency for funding through the County share of the Water quality Program Funding.

#11- Fund the needed basin assessments by including them in the Water Quality Program Funding of

Staff was directed to schedule two additional workshops concerning stormwater maintenance activities and floodplain development regulations. It is requested that workshops for stormwater maintenance activities and floodplain development regulations be scheduled for February 26, 2002 and March 12, 2002 respectively.

**Options:**

- . Ratify Board action taken at the Workshop on Countywide Flooding Issues.
- . Direct staff to schedule a Stormwater Maintenance Activities Workshop for February 26, 2002 from 2 - 4 p.m.
- . Direct staff to schedule a Floodplain Development Regulations Workshop for March 12, 2002 from 2 - 4 p.m.
- . Board direction

**Recommendation:**

Options #1, #2, and #3

**Attachments:**

- . September 25, 2001 Agenda Item
- . October 30, 2001 Workshop Item



**TALLAHASSEE-LEON COUNTY  
BLUEPRINT 2000 INTERGOVERNMENTAL AGENCY**

**April 10, 2002, 3:00 PM  
City Commission Chambers, City Hall, 2<sup>nd</sup> Floor**

**MEMBERS PRESENT**

**City**

Commissioner John Paul Bailey  
Commissioner Charles Billings  
Commissioner Debbie Lightsey  
Mayor Scott Maddox  
Commissioner Steve Meisburg

**County**

Commissioner Ed DePuy  
Commissioner Tony Grippa  
Commissioner Bob Rackleff  
Commissioner Cliff Thael  
Commissioner Jane Sauls  
Commissioner Dan Winchester, Chairman

**STAFF/OTHERS PRESENT**

Ms. Anita Favors, City Manager  
Mr. Parwez Alam, County Administrator  
Mr. Michael Wright, Assistant Manager  
Ms. Dinah Hart, Interim Intergovernmental Agency Director  
Mr. Jim English, City Attorney  
Mr. John Kilgore, Carlan Killam  
Mr. Paco de la Fuente, Citizen  
Mr. Tom O'Steen  
Mr. DeWayne Carver, Community Services of North Florida  
Ms. Sally Dowlen, County Public Works

**I. CALL TO ORDER**

The meeting was called to order by Chairman Dan Winchester at 3:05 PM.

Ms. Dinah Hart introduced Mr. Jim Davis, new Blueprint 2000 Director.

**II. AGENDA MODIFICATIONS**

There were no agenda modifications.

**III. CONSENT ITEMS**

1. **Approval of February 18, 2002 Meeting Minutes**

**Recommended Action:** Approve Minutes as submitted  
**Action Taken:** Minutes approved.

**2. Approval of Revisions to Bylaws**

**Recommended Action:** Approve revised Bylaws to delete the reference to the MPO voting structure, per Commissioner Grippa's comments at the 2/18/02 meeting and to add an effective date.  
**Action Taken:** Bylaws approved as submitted.

**IV. CONSENT ITEMS PULLED**

No consent items were pulled.

**V. DISCUSSION ITEMS**

**3. Approval of Budget Appropriation and Blueprint 2000 Program Expenditures**

**Recommended Action:** (1) Approve the budgeting of the \$1 million loan and the creation of the necessary accounts to expend these resources on Blueprint 2000 related expenditures; (2) Direct staff to draft policies for the adoption and amending of Blueprint 2000 budgets; (3) Direct staff to draft a recommended budget for the remainder of the current fiscal year and for next fiscal year in conjunction with the drafting of the budget policies.  
**Action Taken:** Approval of staff recommendation by Commissioner Thael and seconded. The motion passed.

**4. Authorization to Release Request for Proposal for Financial Advisory Services**

**Recommended Action:** Authorize the release of the proposed RFP for Financial Advisory Services.  
**Action Taken:** Approval of staff recommendation by Commissioner Thael and seconded. The motion passed.

**5. Authorization to Retain Finance Counsel**

**Recommended Action:** Authorize retention of Bryant, Miller & Olive, P.A., and Knowles, Marks & Randolph as bond counsel and Nabors, Giblin & Nickerson, P. A., as bond disclosure counsel.  
**Action Taken:** Approval of staff recommendation with amendment to include adoption recommendation for a period of one year and to RFQ for the long-term projects at least within the next 12 months was made by Commissioner Thael, seconded by Commissioner Lightsey. Commissioner Rackleff made a substitute motion to authorize a release of a proposed RFQ for bond disclosure

counsel, seconded by Commissioner Billings. After voting, the substitute motion failed. Commissioner Rackleff made a motion for a friendly amendment to have the RFQ put out now and not wait until nine months to ensure a smooth transition. Commissioner Thael accepted the friendly amendment as well as the deletion of a bond disclosure counsel. The vote was taken and motion passed.

#### **6. Discussion of Water Quality Program Funding**

**Recommended Action:** Provide direction to staff.

**Action Taken:** Commissioner Lightsey made a motion to adopt the Citizens Advisory Committee's (CAC) recommendation that consultant revise evaluation criteria to include specific elements of the water quality program description as stated in the Project Definition Report and use this criteria to evaluate the projects that will be subsequently submitted by the City and County, seconded by Mayor Maddox.

In an effort to help immediate flooding victims, Commissioner Grippa made a substitute motion to adopt the Leon County projects and to go forward to see if that meets with the consultant afterward. The motion was seconded.

Commissioner Lightsey stated this was a long-term Blueprint vision and the substitute motion should not be a priority over the original motion. Mayor Maddox clarified the confusion by stating the Consultant, through error, did not review two pages of the list while compiling the criteria and should have the opportunity to correct this error to review and re-evaluate the projects. Ms. Hart concurred with Mayor Maddox stating the Citizens Advisory Committee had focused on the process rather than the projects and this list could be completed by the June Intergovernmental Agency meeting.

In discussions at City Commission meetings, Ms. Anita Favors spoke about the proposal for a Joint Water Quality Board to be formed in the future only after other issues had been resolved.

The substitute motion was voted on and failed.

The original motion was voted on and passed with Commissioner Grippa in opposition.

#### **VI. INFORMATION ITEMS**

- 7. Status of Local Preference Policy for Blueprint 2000 Procurement Policy**
- 8. Status of Blueprint 2000 Program Implementation (follow up to 2/18/02 direction by the Intergovernmental Agency)**



**VII. UNAGENDAED BUSINESS**

**VIII. ADJOURNMENT**

The meeting adjourned at 4:30 p.m.

**APPROVED:**

**ATTEST:**

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**Commissioner Dan Winchester**

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**Intergovernmental Agency Secretary**

**TALLAHASSEE-LEON COUNTY  
BLUEPRINT 2000 INTERGOVERNMENTAL AGENCY**

**June 17, 2002, 3:00 PM  
City Commission Chambers, City Hall, 2<sup>nd</sup> Floor**

**MEMBERS PRESENT**

**City**

Commissioner John Paul Bailey  
Commissioner Allan Katz  
Commissioner Debbie Lightsey  
Commissioner Steve Meisburg

**County**

Commissioner Ed DePuy  
Commissioner Tony Grippa  
Commissioner Bob Rackleff  
Commissioner Jane Sauls  
Commissioner Cliff Thael  
Commissioner Dan Winchester, Chairman

**STAFF/OTHERS PRESENT**

Ms. Anita Favors, City Manager  
Mr. Parwez Alam, County Administrator  
Mr. Michael Wright, Assistant Manager  
Mr. Jim Davis, Blueprint 2000 Intergovernmental Agency Director  
Ms. Dinah Hart  
Mr. Jim English, City Attorney  
Mr. Daniel Rigo, County Attorney's Office  
Mr. Paco de la Fuente, Citizen  
Ms. Debbie Dantin, Genesis Group  
Mr. Mark Llewellyn, Genesis Group  
Mr. DeWayne Carver, Community Services of North Florida  
Ms. Sally Dowlen, County Public Works  
Mr. Rob Schiffer, Cambridge Systematics  
Mr. Tony Park, Leon County  
Mr. Bob Henderson

**I. CALL TO ORDER**

The meeting was called to order by Chairman Dan Winchester at 3:10 PM.

**II. AGENDA MODIFICATIONS**

Agenda Item No. 4 - Approval to Move Forward with RFP for General Consultant Services (deleted); Agenda Item No. 7 – Approval of Contract Award for Financial Advisory Services (additional information provided); Agenda Item No. 11 – Approval of Consultant Recommendations for Water Quality Program Funding (additional

information provided); and Agenda Item No. 12 – Addition of Springhill Road to Capital Circle Southwest Project (change in recommendation). Deleted agenda item: Agenda Item No. 9 – Changes to Interlocal Agreement.

### **III. CONSENT ITEMS**

- 1. February 18, 2002 Meeting Minutes**
- 2. Confirmation of Rotation of Intergovernmental Agency Chair**
- 3. Approval of Personnel Policy**
- 4. Approval to Move Forward with RFP for General Consultant Services**
- 5. Approval of Blueprint 2000 FY 2002 Operating Budget and Proposed Budget Policies and Review of Proposed FY 2003 Operating Budget**
- 6. Discussion of Program Implementation**
- 7. Approval of Contract Award for Financial Advisory Services**
- 8. Approval of Amendments to Blueprint 2000 Procurement Policy**
- 9. Approval of Amendments to Interlocal Agreement**

The Consent Items were approved with the exception of those pulled by motion from Commissioner Sauls, seconded and approved.

### **IV. CONSENT ITEMS PULLED**

Consent Agenda Items 3, 4, and 7 were pulled for discussion.

Commissioner Sauls made a motion to approve Agenda Item No. 3 to include the wording of "Administrative Code". The motion was seconded by Commissioner Bailey and approved unanimously.

There was a motion to delay Agenda Item No. 4 by Commissioner Grippa and seconded to approve the delay and to approve hiring of a Senior Planner for the Blueprint 200 staff. The motion was seconded by Commissioner Sauls. The vote was taken and unanimously approved.

Mr. David Reid, City Director of Management and Administration, gave an explanation of Agenda Item 7. Mr. Alan Rosensweig, County Budget Manager was in attendance as well. Mr. Reid stated the recommendation to enter into negotiations and contract with Public Financial Management, Inc. out of Orlando as a Financial Advisor. Pool financing

and bonds were discussed by Commissioner Grippa. Commissioner John Paul Bailey made a motion to approve Option 1, and seconded

After further discussion, Commissioner Bailey made a substitute motion to take the top two companies and negotiate between those two and allow the City Manager and County Administrator to do that. This motion was seconded by Commissioner DePuy. Commissioner Lightsey stated that the City Manager and County Administrator could not act in that capacity. The substitute motion was withdrawn.

**RECOMMENDED ACTION:** Option 1 Authorize the Intergovernmental Management Committee to negotiate with the top ranked firm and upon successful negotiations, execution of a contract. If the Intergovernmental Management Committee is unsuccessful in negotiating a successful contract, authorize negotiation and execution of a contract with the second ranked firm.

**ACTION TAKEN:** Option 1 with a request for Mr. Davis to send to the Commissioners informational items in the interim was approved.

## **V. DISCUSSION ITEMS**

### **10. Discussion of Funding of Capital Circle Northwest Right of Way**

**RECOMMENDED ACTION:** 1. Advance the funding for acquisition of ROW and authorize the Intergovernmental Management Committee (City Manager and County Administrator) to approve and execute the Joint Participation Agreement between the Intergovernmental Agency and FDOT. Authorize the Intergovernmental Committee to forgive the repayment of the right of way cost if the Department will fund the construction of Capital Circle Northwest.

**ACTION TAKEN:** Option 1 was approved with the exception of authorizing the IMC to forgive the repayment as described above

### **11. Approval of Consultant Recommendations for Water Quality Program Funding**

Mr. Jim Davis spoke regarding redefining criteria. Commissioner Lightsey made a motion to approve the three projects the consultant found within the guidelines of Blueprint and the program summary (Option 1) and seconded.

Commissioner Proctor talked about the criteria of Attachment 1 water quality enhancement and flooding agreement. He felt the project location was an overriding concern because they fell in one District only. Commissioner Proctor made a substitute motion to approve Option 2 and seconded. The motion was voted on and failed.

There was a discussion of the second tier projects and costs involved. Mr. Alam and Teresa Heicker gave detailed information regarding analyses and timeframes.

Commissioner Grippa spoke about these monies being used for flooding which Mr. Davis said could be used. He made a substitute motion to accept No. 2 which is to accept ERD findings and direct staff to submit additional information for projects which may meet the Blueprint 2000 criteria (Option 2) as well as Option 1. The motion was seconded by Commissioner Proctor. The motion was voted on and failed.

The original motion (Option 1) was withdrawn.

**RECOMMENDED ACTION:** Approve the three county projects as recommended by the consultant and request the County staff to develop the additional information needed to fully evaluate the eight additional projects that the consultant has deemed feasible but could not recommend due to insufficient information. It also recommended that as data is developed by both the City and County which allows for the evaluation of individual projects, that the consultant evaluate each project submitted. The Intergovernmental Management Committee, with the concurrence of the TCC and CAC, shall be authorized to approve individual projects. Further all costs associated with each project to include consultant and interest shall be absorbed within the City's or County's \$25 million share of the Water Quality Funds.

**ACTION TAKEN:** Commissioner Katz made a motion to approve Option 3 with the inclusion for consultants to consider geography and motion was seconded. The motion was voted on and unanimously approved.

**12. Addition of Springhill Road to Capital Circle Southwest Project**

**RECOMMENDED ACTION:** Option 3 - Include Springhill Road in the Expanded PD&E and defer a decision on changing the priority of the project until the Expanded PD&E identifies a specific alignment.

**ACTION TAKEN:** Option 3 was approved.

**INFORMATIONAL ITEMS**

**13. Status of Corridor Management Measures**

Mr. Davis said that the Center for Urban Transportation Research (CUTR) has been awarded a contract to conduct the sector study.

**VI. UNAGENDAED BUSINESS**

**VII. ADJOURNMENT**

The meeting was adjourned at 4:55 p.m.

TALLAHASSEE-LEON COUNTY BLUEPRINT 2000 INTERGOVERNMENTAL AGENCY  
June 17, 2002  
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**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
**Commissioner Winchester**  
**Chairman of Blueprint 2000 IA**

\_\_\_\_\_  
**Secretary to Blueprint 2000 IA**


**The meeting was adjourned at 4:55 p.m.**

## Board of County Commissioners Agenda Request

Date of Meeting: January 28, 2003

Date Submitted: January 23, 2003

To: Honorable Chairman and Members of the Board

From: Parwez Alam, County Administrator   
Gary W. Johnson, Director, Community Development Department  
Tony Park, P.E., Director, Public Works Department  
Herbert W.A. Thiele, County Attorney

Subject: Weimar Property - 6762 Circle J Drive

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### **Statement of Issue:**

The Board directed staff to provide options to resolve the flooding problem at the Weimar Property and to determine whether or not an option may include action against the engineer who certified that the property was not in a floodplain.

### **Background:**

A building permit was issued back in 1988 to S.E. Home Building, to construct a single family residence at 6762 Circle J Drive. A map of the site is provided in Attachment #1. A flood letter, dated March 23, 1988, signed and sealed by William F. Huston, P.E. (Professional Engineer), was included in the application (Attachment #2). By signing and stamping his seal to the letter, Mr. Huston certified that the Circle J property was at or above the flood protection elevation. The flood protection elevation was at that time and still today defined as *an elevation determined by standard engineering practice as two feet above the highest reasonably anticipated elevation of surface water in the drainage area in which a development activity is to take place*. The Weimar property is located at the lowest point of the Circle J Closed Basin, a 59-acre basin during normal flow (Attachment #3). An adjacent 10-acre closed basin also discharges flow to the Circle J Closed Basin during heavy rainfall. (Attachment #3). Based on the flood letter, the Weimar home was built with no required finished floor elevation above the floodplain which resulted in the floor being built two feet below the overflow elevation of the closed basin flood plain. This means that before the closed basin overtops, the Weimar residence would have approximately two feet of water inside the home. The Weimars purchased the home in the mid 1990s from the original owners without knowledge that the Circle J property was located in a closed basin that floods.

Staff first became aware of the Weimar flooding problem in 2000 when Pennyworth Homes proposed a replat of the unrecorded 31 lot Martin Subdivision. This Subdivision was created pre-1984 before Development Review site plan regulations. Essentially, lines were drawn on a map without considering closed basin stormwater requirements and effects on downstream property. Once staff became aware of the potential impact to the Weimar Property, staff made Pennyworth Homes aware that closed basin stormwater standards would be applied to each and every lot in this subdivision to prevent the flooding problems from getting worse.

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January 28, 2003  
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Pennyworth's engineering consultant determined that the finish floor elevation of the Weimar residence was two feet below the overflow elevation of the closed basin flood plain. This means that in a predevelopment state (before construction of any more homes in the basin) the Weimar residence would flood two feet inside the home before the floodwater overflowed downstream. To date, flooding has not occurred inside the Weimars' residence. However, the potential for flooding inside the Weimars' home exists. The stormwater design for the replatted subdivision provided that all increased volume from the impervious area in this new development must be retained on their site for all storm events up to and including the 100-year, 24-hour event, thereby not impacting the Weimar property. The developer constructed two very large stormwater ponds that met the closed basin volume requirements of the Environmental Management Act (EMA) and provided some increased storage to prevent flooding for smaller storm events. These facilities do not prevent flooding from occurring on the Weimar Property, since flooding already occurred prior to this development, but the ponds are designed to not make the flooding any worse. The Martin Subdivision has been renamed and is now referred to as Plantation Grove.

**Analysis:**

The Board requested that staff, in consultation with the County Attorney's Office, research the issue on whether the Weimar's or the County have the ability to bring a cause of action against the engineer, William F. Huston, P.E., who certified, in his 3/23/88 letter, that the property was not in a flood plain. The County Attorney's Office researched the issue and opined that the Weimar's, but not the County, may have standing to bring a cause of action against Mr. Huston. Further, it is the County Attorney Office's position that the County is not liable for any of these rainfall/flooding events.

Standing is predicated on a party's legitimate or sufficient interest at stake in the controversy that will be affected by the outcome of the litigation. See Equity Resources v. County of Leon, 643 So.2d 1112 (Fla. 1<sup>st</sup> DCA 1994). Likewise, the Weimar's, as the current owners of the affected property, have a sufficient interest at stake, as well as a legally cognizable interest, which should give them standing to file an action against the engineer. As the current owners, the Weimar's purchased the property in reliance on Mr. Huston's flood certification letter that the subject property was not located in a flood plain area. To the contrary, based upon the recent flooding near the Weimars' property and the probability that, in the near future, flooding will eventually come into the Weimars' property, the Weimar's most likely have a cause of action against Mr. Huston.

Four alternatives were identified to resolve the Weimars' concerns regarding stormwater entering their home or outbuildings:

1. Construct an outfall line to the larger closed basin near Ox Bottom Road;
2. Construct an alternate retention site south of the Weimar property to intercept flows from the High Grove subdivision;
3. Elevate the structures on the Weimars' property to prevent stormwater intrusion; or
4. Purchase the Weimar property and remove the structures, allowing the site to function as the stormwater receiving area for the 59-acre catchment.



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Alternative 1:

Constructing an outfall to the north will require the cooperation of the five properties affected by the pipeline and the higher water level. The property owners are listed on Attachment #4 which shows the conceptual line placement. The Dyers property would be affected by the construction, and the area downstream would be affected by the increased water level. Easement and right-of-way acquisition is estimated to cost \$50,000 but does not include eminent domain to acquire the easements. Survey, design, stormwater modeling and permitting is estimated to cost \$50,000. (The transfer between closed-basins will require a variance during permitting.) Circle J Drive would be rebuilt following pipe placement. Construction costs are estimated at \$52,500 for a total estimated cost of \$152,500.

Alternative 2:

Intercepting some of the off-site stormwater from the High Grove subdivision would lower the water elevations on the Weimar site during storms. The proposed alternative requires 2 lots (Attachment #5) to be purchased from Pennyworth Homes, regrading an area of approximately 0.75 acres, and placing fencing and landscaping to buffer the neighbors. Land cost of the total 2.5 acres is estimated at \$100,000; design and permitting is estimated at \$33,000; and construction is estimated at \$187,000 for a total estimated cost of \$320,000.

Alternative 3:

Elevating the home and outbuilding would ensure stormwater does not enter the structures in the future. The area around the structures would be graded to protect the foundations and landscaping would soften the visual impact of the flood-proofing. Temporary housing for the Weimar's would be required during the work. The total estimated cost is \$76,000.

Alternative 4:

Purchasing the property and removing the structures will permanently address any concerns regarding stormwater intrusion. Acquisition, relocation of the Weimars, demolition of the improvements and replanting the site are estimated to cost \$450,000.

The Weimars have not experienced flooding with the severity or frequency experienced by other property owners in the county. Staff recommends that the flooded property acquisition policy currently in review include a section regarding prioritization of all property identified as flood-prone. This policy can establish procedures to be followed to identify and correct flooding for which Leon County has responsibility and resources to address.

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**Options:**

1. Direct staff to expand the flooded property acquisition policy to incorporate evaluation and prioritization of isolated flooding occurrences.
2. Direct staff to pursue construction of an outfall line to the larger closed basin near Ox Bottom Road (Alternative 1) for a total estimated cost of \$152,500.
3. Direct staff to pursue construction of an alternate retention site south of the Weimar property (Alternative 2) to intercept flows from the High Grove subdivision for a total estimated cost of \$320,000.
4. Direct staff to pursue funding for elevating the structures on the Weimars' property (Alternative 3) to prevent stormwater intrusion for a total estimated cost of \$76,000.
5. Direct staff purchase the Weimar property (Alternative 4) and remove the structures, allowing the site to function as the stormwater receiving area for the 59-acre catchment for an estimated cost of \$450,000.
6. Direct staff to inform the Weimars that they may have standing to bring a cause of action against the certifying engineer and should therefore, consult a private attorney for legal advice.
7. Board direction.

**Recommendations:**

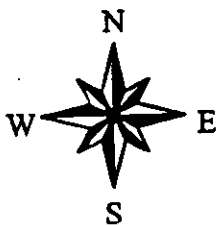
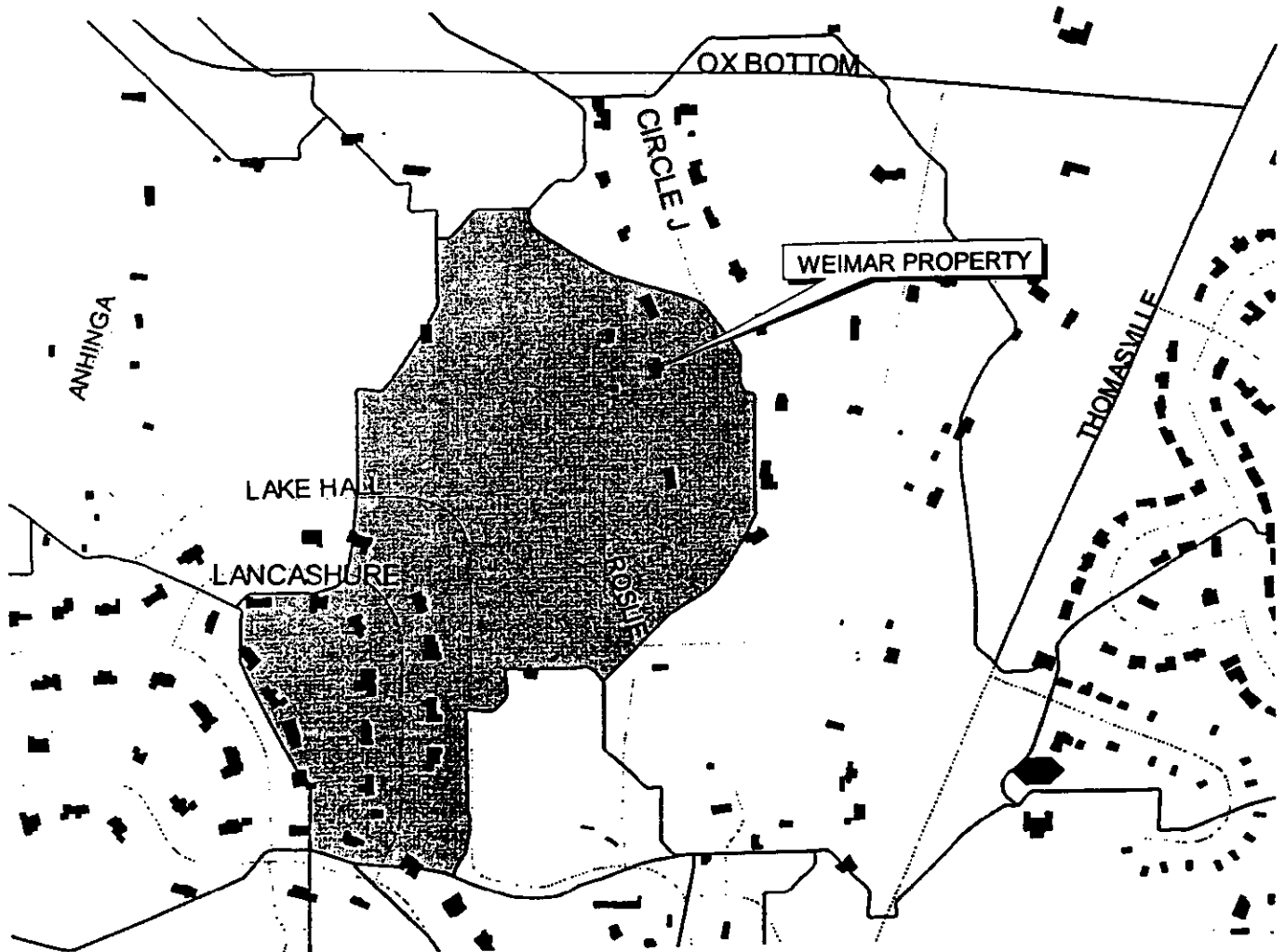
Option #1

**Attachments:**

1. Location Map for Weimar Property
2. March 23, 1988, Flood Protection Certification prepared by William F. Huston, P.E.
3. Contour Identification of the Circle J Closed Basin
4. Alternative 1 showing 5 lots where drainage easements are necessary
5. Alternative 2 location of alternate retention site

PA/GJ/JK/HWAT/CAS

# Circle J Closed Basin



1" = 500 feet

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LEON COUNTY FLOOD PROTECTION CERTIFICATION

Date: March 23, 1988

Permit No.

Location/Address of Property: 0.2 miles South of Ox Bottom  
Road on West side of Circle J

Parcel # of Property:

Section 33 Township 2N Range 1E

Applicant: Doug Scott

Type of Development: Single Family Residential X

Commercial\_\_\_, Multi-family\_\_\_, Subdivision\_\_\_

Excavation Required? Fill Required?

Buildings and/or other structures?

Other Alterations (specify):

Size of development: Acreage No. of Lots: one

Location in reference to Floodplain (check one):

a) \_\_\_ Some or all of the above referenced parcel is located  
within the existing 100 year flood elevation (base flood  
elevation). This elevation is established as \_\_\_ MSL.

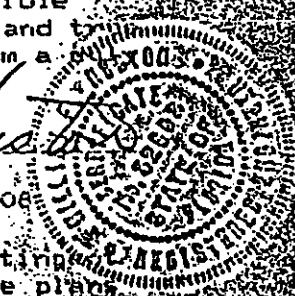
b) X All of the above referenced parcel is at or above the  
flood protection elevation.

If "a" above is checked, complete the following items as  
required and attach supporting data.

1. If residential-Required floor elevation \_\_\_ MSL \_\_\_,  
NGVD \_\_\_, other identifiable temporary Bench Mark \_\_\_.
2. If commercial-Required floor elevation \_\_\_ MSL \_\_\_,  
NGVD \_\_\_, other identifiable temporary Bench Mark \_\_\_.

I hereby certify that the above referenced parcel has been  
visited and the applicable flood maps and other pertinent  
topographic data have been examined under my responsible  
direction and that the above information is correct and to  
the best of my engineering knowledge and that I am a  
registered engineer in the State of Florida.

*William F. Huston*  
WILLIAM F. HUSTON, P.E.  
Registration No. PE 0032606



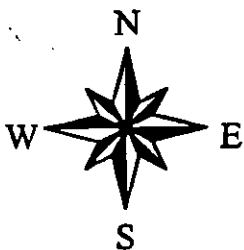
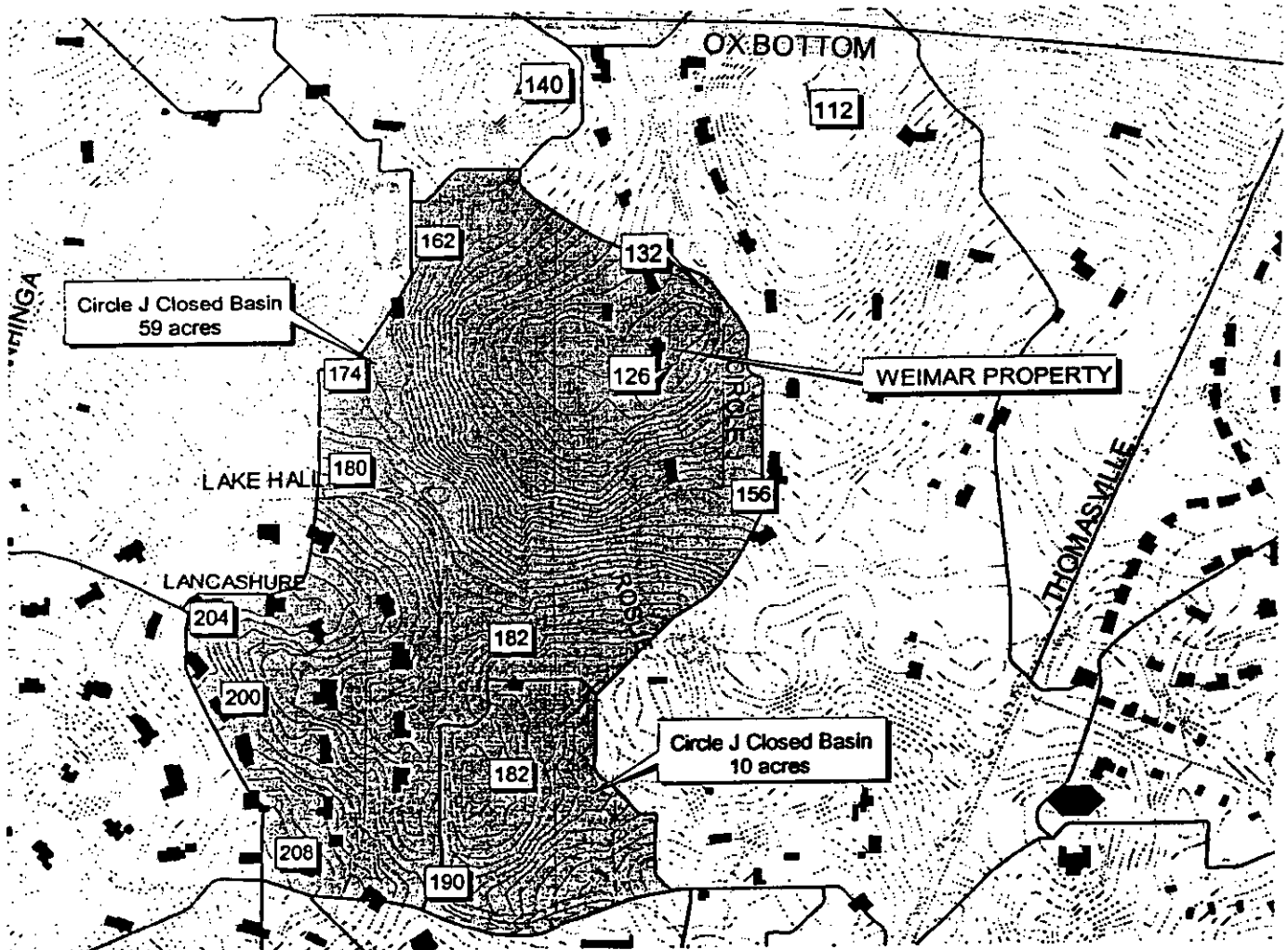
**Applicant Acknowledgment:**

I understand that the issuance of any permits is contingent  
upon the above information being correct and that the plans  
and other supporting data have been or shall be provided as  
required and that a Certification of Elevation (if "a" above  
was checked) will be provided prior to the framing inspection  
of any structure. I furthermore agree to comply with all  
applicable provisions of Leon County Ordinance #82-60 and any  
other laws, rules, or ordinances that might affect the  
proposed development.

Applicant signature or other  
authorized Agent

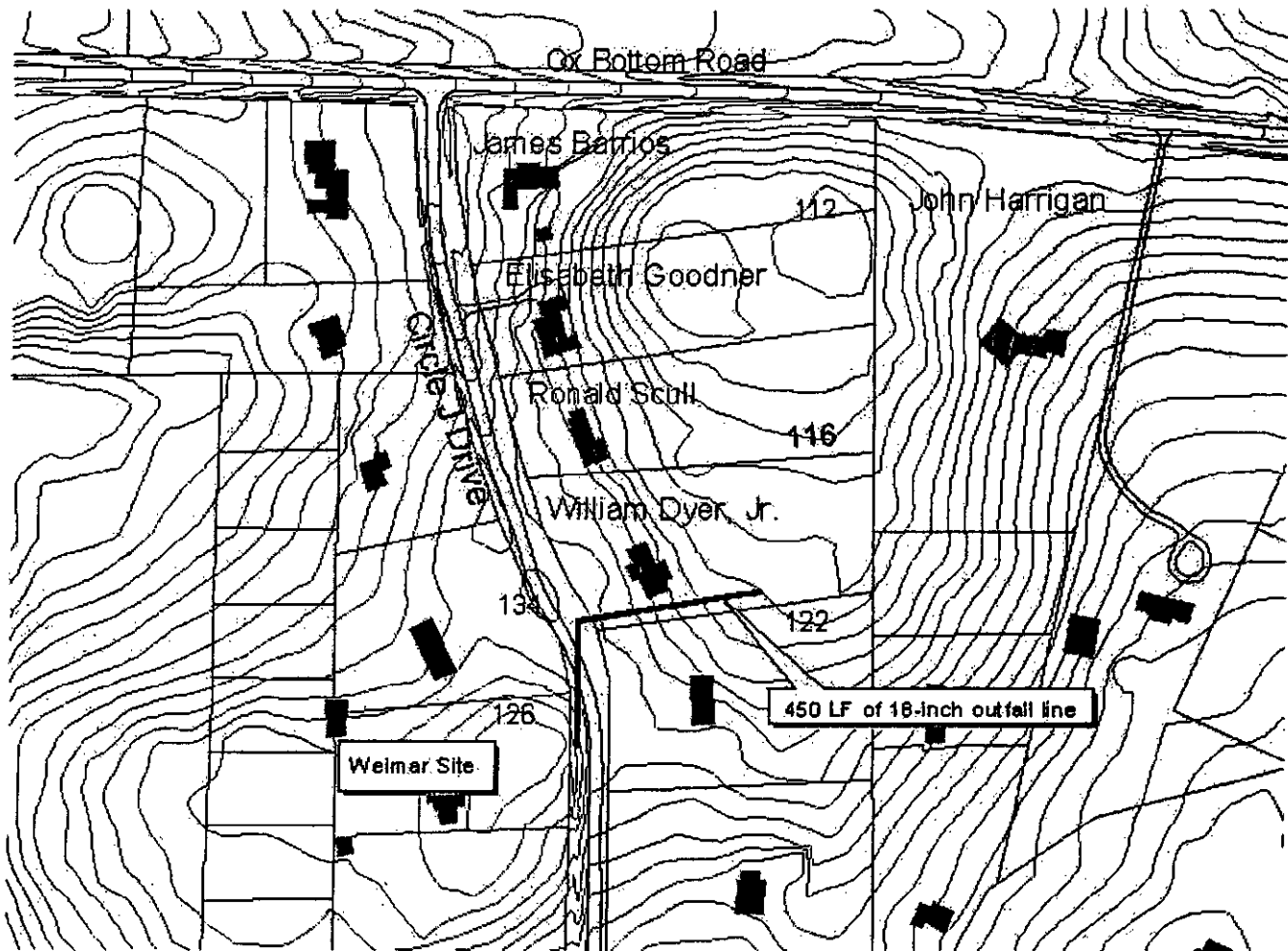
Date: \_\_\_\_\_

# Contour Identification Circle J Closed Basin

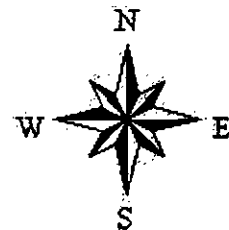


1" = 450 feet

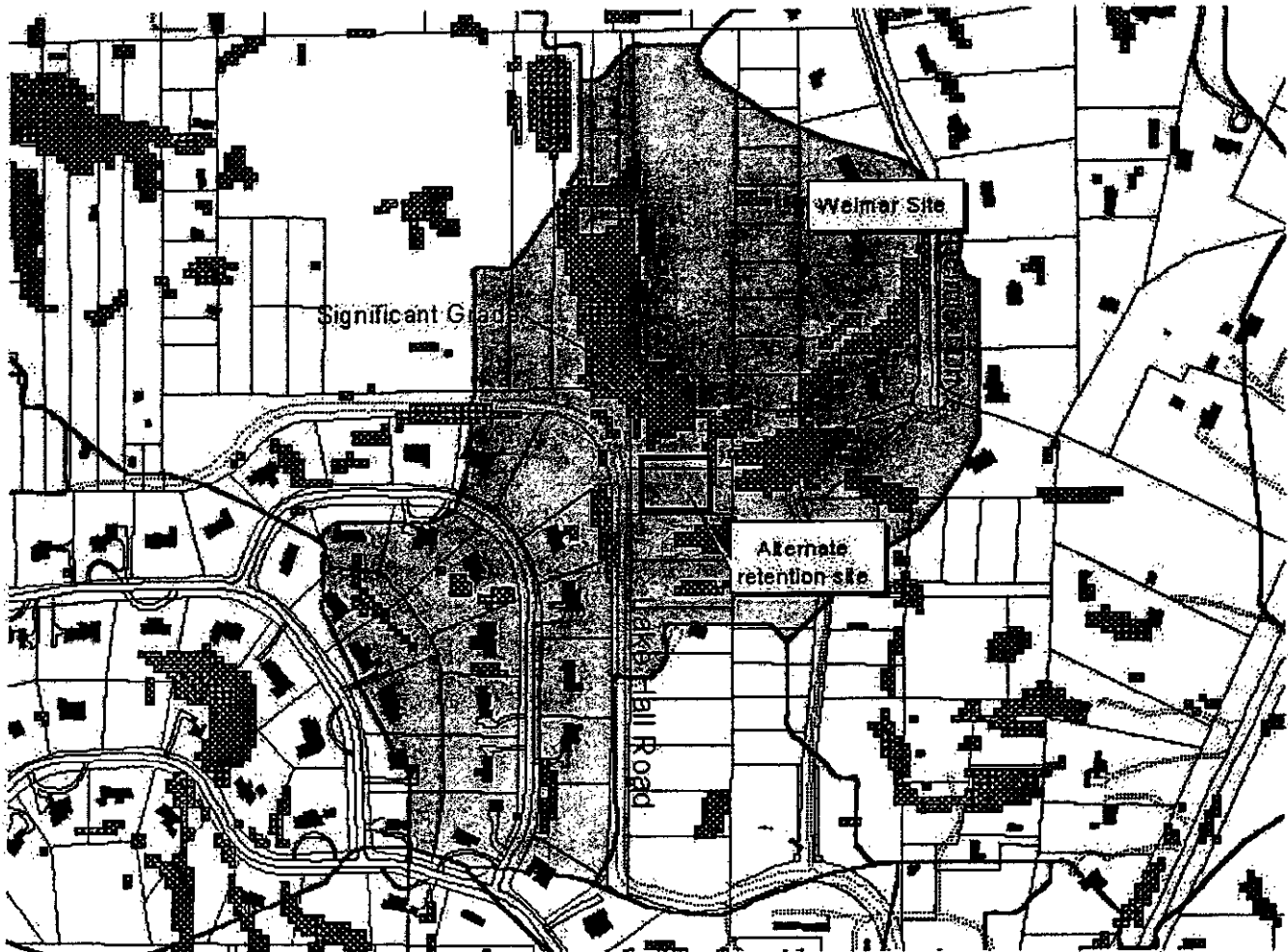
# Weimar Site Improvement Alternative 1 - Outfall to North



Construct line to larger closed basin at Ox Bottom Road.  
Requires drainage easements from 5 lots east of Circle J Drive,  
line construction, and road repair.



## Weimar Site Improvement Alternative 2 - Alternate Retention Site



Construct alternate retention site to intercept off-site flow.  
Requires purchase of 2 lots and site grading.

Estimated cost = \$320,000

